

**CLARK COUNTY PLANNING COMMISSION
THURSDAY, FEBRUARY 28, 2002
MINUTES OF PUBLIC HEARING**

BOCC Hearing Room
1013 Franklin Street, 2nd Floor
Vancouver, WA

6:30 p.m.

CALL TO ORDER

The public hearing of the Clark County Planning Commission was called to order by Chairman, Vaughn Lein at 6:30 p.m. The hearing was held at the BOCC Hearing Room, 1013 Franklin Street, 2nd Floor, Vancouver, Washington.

ROLL CALL

Planning Commission Present: Vaughn Lein, Chairman; Jeff Wriston, Vice Chair; Ron Barca, Dick Deleissegues, Jada Rupley, Carey Smith, and Lonnie Moss.

Planning Commission Absent: None.

Staff Present: Rich Lowry, Chief Deputy Prosecuting Attorney; Patrick Lee, Long Range Manager; Bob Higbie, Assistant Long Range Manager; and Elise Scolnick, Planner II.

Other: Cindy Holley, Court Reporter; and Chris Easton, Consultant.

GENERAL & NEW BUSINESS

Approval of Agenda for February 28, 2002

The agenda for February 28, 2002, was approved as distributed.

Communications from the Public

None.

PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION

A. PROPOSED INFILL HOUSING ORDINANCE, continued from 1/31/02 & 2/21/02:

An ordinance to govern the development of infill housing on lots that have been traditionally passed by for development. The proposed ordinance applies to land subdivision and platting (Chapter 17, Land Division) as well as housing development (Chapter 18, Zoning). The proposed ordinance amends the following sections of the Clark County Code:

CCC 18.406.020 (Q) Infill Ordinance; 18.600, Procedures; 17.102.160, Short subdivision definition; 12.05A.050, Functional classifications – Urban roads; 12.05A.120 of Table 120-3; 12.05A.220, Road modifications.

Staff Contact: Elise Scolnick, (360) 397-2375, Ext. 4958 or e-mail: elise.scolnick@co.clark.wa.us

SCOLNICK: Good evening. Elise Scolnick, Long-Range Planning. You have a supplemental staff report before you going through the changes that you had made during the last hearing on the 21st of February. As part of those changes I'd like to just point out we have Ali Safayi here from our Development Engineering Services and he has provided a memo that's in your packet which relates to Chapter 3, Page 3-14. And he is limited in his time available with us today to about an hour, so if you wanted to talk about the issues there he is available for that amount of time. So if you want to go out of order. Also with us tonight is Cathy Corliss from Angelo, Eaton & Associates who will be going through some of the changes. We have Lynn Degerstedt, who was on our task force, and Della Helmick, who also was not on the task force but participated in almost every meeting.

LEIN: Before we get going, since we're in a new location I think everybody needs to be aware that they have to speak up. Holley's been doing her work all day today so we need to have some good verbalization, slowly so that she can pick that up this evening. So thank you.

CORLISS: As Elise was saying, I'm Cathy Corliss, I'm with Angelo, Eaton & Associates. And Chris Eaton couldn't be here tonight so I'll do my best to step in her shoes. What I thought would be helpful is if we just very quickly went over the supplemental report that was handed out tonight and just give you a very brief overview of what that contains and walk through the changes. These are as a result of the comments from the hearing on the 21st. Page 2-5, Line 20, to use the 25 percent as the standard for Criterion 4 and to keep Criterion 4 in the draft was our understanding of the consensus of the Planning Commission. I viewed the tapes last night and we had a -- Elise and I had a conversation

and it was not a hundred percent clear that the 25 percent was where you all landed as the group kind of split on that a bit, so if you would like, you may want to discuss that again. Or that may be fine, but I know that that's what we thought we understood.

LEIN: I had the 25 percent four and 50 percent three.

CORLISS: That's what I heard on the tape as well, yeah. And Elise confirmed that so.

DELEISSEGUES: Where are you, Vaughn?

LEIN: I was looking at Chapter 2, Page 5 in the 25 to 75 percent Criterion No. 4 we had sort of a straw vote on what percentage to use there, my records showed four at 25 percent and three at 50 percent.

CORLISS: Okay. No changes to Page 2-7. Page 2-9 there were no changes identified on that page. And the discussion stopped as far as deliberations went on the 21st, that will be a new discussion, I suppose, where you'd want to pick up.

In Chapter 3 we've got some changes based on some of the comments that Marnie Allen made during her testimony and some new language to sort of incorporate that into a single paragraph. And that paragraph would appear on, it would be a change to Page 3-5 and it would be new item Sub (ii). And the reason this language is worded this way is because it was written to parallel the existing exception which is Sub (i) so it's a little bit confusing. We have an overhead that we can go through to talk about how we've tried to illustrate what we think was your intent, and if it's helpful we'll turn that on right now and just kind of talk about it and you may want to -- if we didn't get it right we may want to come back and revisit this.

Let me just get to that language. Okay. So again, this would become, the way this would read is the phrase is "the roadway frontage improvement requirement of Subsection (i) of this section shall not apply to the following situations," and then there's Sub (i) and now Sub (ii) and the new Sub (ii) language is here. Basically what it says is in-fill development is exempt unless it has abutting properties with existing road frontage improvements or proposed improvements such as a County road project, approved land division or site plan and other, or if in-fill development projects need to make frontage improvements as are necessary to provide safe routes to schools as identified in the local school district transportation plan if bus transportation is not provided by the school district.

So there's a couple of, I think, important points here. When we use the term "abutting," and in this case we're using the definition of abutting citing the definition in Title 18, that definition does not include across the street. So if you had existing frontage improvements as shown on a block, and then across the street you had a new in-fill as is shown in In-fill Development Number One, that development would not be required to make improvements, the way this is written would not be required to make improvements along that frontage. It does not pick up, "abutting" does not pick up across the street if

you use the definition of abutting from Title 18. Interestingly, the definition of "abutting" from Title 17 does pick up across the street, and we could also use "adjacent" from Title 18 which also picks up across the street.

The other element that's worth discussing, I think, is whether or not you'd want to include "proposed," if there's proposed frontage improvement adjacent should the in-fill development have to provide frontage improvements. So what this is illustrating is that the way the language is worded right now frontage improvements would not be required on the horizontal frontage of In-fill Development Number One because it does not have any abutting, existing or proposed improvements would be provided on the vertical street of In-fill Development Number One because there's proposed frontage improvements to a new non in-fill development right abutting it. And In-fill Development Number Two, which is shown as a through lot, would not have to have frontage improvements on its north face, but on its southern frontage would because on its southern frontage it does. So that illustrates how this is written right now and if that captures your intent, then that's fine. If it doesn't, if you either didn't envision that it would pick up proposed or didn't envision that it would not pick up across the street, then we should probably revisit that. But we can come back to that.

BARCA: Do we have a copy of that anywhere?

SCOLNICK: Yeah, that's in the supplemental.

CORLISS: Yes, it's in the supplement, I'm sorry. It's on Page 2 of the supplement. It's this paragraph here.

BARCA: Okay. It's in text form but it's not in --

CORLISS: Right. Oh, no, you don't have a copy of the graphic. I can share this one hard copy I have if you'd like to have it in front of you, but, oh, it's hard to turn -- you all might want it over there because it is hard to turn around and really get a good look at that so. No, I should have made copies, colored copies of that, I'm sorry. At any rate --

BARCA: Black and white would have worked.

CORLISS: Yeah. And we can revisit that. I don't know, that's when we wrote this language it was based on the comments that we heard at the meeting on the 21st. There are changes to the access road definitions on Page 3-7 to strike where full width roads are impractical to develop, and additional language has been added to reflect the comments from Marnie regarding school bus transportation and so forth.

DELEISSEGUES: As I recall we didn't deal with In-fill B, we skipped over that, didn't we, Vaughn, as far as the width of the road goes, we were going to come back to that?

LEIN: Yes. Actually we asked to get some more information from the Vancouver

Planning Commission, too, on their four lots and six dwelling units.

SCOLNICK: Well, what you had us look into was the definition if we could change houses because there was some concern about the use of units, dwelling units and houses.

BARCA: Where it says "lots."

LEIN: You said lots here.

SCOLNICK: Lots, right. And so that changed, but we would like to pursue that more. And there is a comment in the staff report that we didn't really have enough time to get together with public work staff, just talked to a couple of people, but we really need to sit down with them to see if that would really change anything overall. A lot of the definitions are kind of out of the ITE Standards so there might be some implications that we're not readily aware of unless we take some more time to look at it so.

DELEISSEGUES: I'm just saying we did not. Exhibit F here kind of alludes to the fact that we made a decision, but I don't think we did.

CORLISS: Okay, that's a good point.

DELEISSEGUES: We skipped over that.

LEIN: Yeah, I don't have anything.

CORLISS: Page 3-8 notes a change to the -- that there would be changes to the road standard table to reference the maximum number of lots and possibly maximum number of units. Again, the same issue. Page 3-12 there's discussion about the road modification approval criteria add a preference for approval of road modification for in-fill parcels. I understand language was going to be submitted at this meeting.

SCOLNICK: Jeff, weren't you, you were going to --

WRISTON: What's that? Language, yeah, I have some language.

CORLISS: Okay, excellent. On Page 3-14, and this is actually the issue that Ali is here to discuss, it has, it's shown in the staff report with the "or sight distance" phrase added into that paragraph and I believe that's you'd like to follow up on that and then, and perhaps we'll come back to this, I'll just finish these up. 3-18 there is the change to storm and the comment to submit that to the Department of Ecology for review consistent with the Puget Sound Stormwater Manual so. And then do you want to go back and hear from Ali on that issue?

LEIN: Might as well since he has to leave.

LEE: You have to get up to the mic.

SCOLNICK: And there is a letter in your packet which is Exhibit H.

SAFAYI: Good evening, I'm here to discuss the sight distance issues and access spacing.

LEIN: Excuse me, Ali, can you identify yourself for the record.

SAFAYI: Sure. I'm Ali Safayi, I'm with the Engineering Services of Clark County and we do the development review on subdivisions, both stormwater and also transportation issues, and I'm here to discuss the sight distance issues and access spacing and give you some background on what these numbers come from. The stopping sight distances and intersection spacing are based on some formulas which have been developed over the years, there has been a lot of testings done and there has been a lot of analysis. Excuse me for one second. Most of the numbers comes from this manual which is published by American Association of the State Highways and Transportation Officials. And again, there has been a lot of studies, over like tens of years, many, many years, and that's where the numbers come from, and I would like to give you this, what they mean and where, where they come from.

If you look at the overhead, I'm sorry I don't have handouts, but if you look at the overhead we have three types of sight distances. The first one is the stopping sight distance, and that's the requirement or summarized in Table 12.05A.250-1. The numbers there that require distances are measured along the travel lane from 3.5 feet, which would be the height of driver's eye, and you need to see a six-inch object so any obstruction would impair the sight distance. For the speed of 25 miles per hour to 50 miles per hour there is a requirement for 150 to 475 feet to safely stop before you hit pedestrian, a kid, an animal on the road or another car.

The second sight distance has to do with the triangle sight distance, and that's for the intersection, for the vehicles entering another road. While there are two types, controlled intersection which they would be stopping on one street and moving onto another street, and again the height is measured at 3.5 which is assumed driver eyes, and the four and a half, 4.25 feet which would be the top of another car, and the speed of 20 mile per hour to 50 mile per hour requires 200 to 500 feet of sight distance in order to stop safely before you hit another car. For uncontrolled intersection there is other requirement 100 feet to 80. I'm not going to go through the whole thing but just a summary. Passing sight distance, that's not applied to the local street, it has to do with highways for cars passing safely, passing another car. On intersections --

MOSS: Ali, would you like to take questions on the sight distance before you move on to intersections?

SAFAYI: Actually I have -- let me just go through this and I have some more information which would may answer the question. If not then I'll be happy to answer the questions.

MOSS: Okay, thank you.

SAFAYI: On the intersection, the requirement for intersection spacing also is based on the sight distance and the level-of-service for those street, so it both has to do with the safety of vehicular traffic entering another street from an intersection, and also it has to do how much you will slow traffic by having so many intersection close to each other. And I have provided distances required between the full access intersections. As you see, the numbers are there local, residential is 100 feet and it goes all the way to arterials. Depending on the type it's 500 to 1,000 feet. There are no minimum drive spacing requirement on local street, the residential, either neighborhood circulator or local residential, but there is a minimum spacing required for collectors and arterials.

Could I have the second one, please. So where these numbers come from. Again, there has been a lot of studies done and there are formulas developed. On the first column you will see the speed which is assumed speed of vehicles going through a street. For the condition, the condition would be whether it's wet, in this case it's wet pavement, it's 20 to 20 miles per hour. For a person to be able to just put their foot on the brake it takes about 2.5 seconds, that's called brake reaction time, and that would be equal to 73 feet of distance. The coefficient of friction is the friction between the tires and the pavement, and depending on the speed, the higher speed the less friction, and that would be another parameters into the formula. And that's also is an important factor, and the for a wet pavement it's there is less friction as everybody can handle. Once the brake reaction time is passed and the car has traveled like 73 feet, you need 33 feet, you need 33 feet for the car to stop. So the addition of the two computed is 106.7 feet. And it's rounded to 125 in this case, but as you see for the 25 miles per hour it's rounded up. Like it's 146.5, it's only rounded up by 3.5 feet. The issue is if we reduced that distance by 10 percent like for the case of 25 miles per hour --

MOSS: If I could, if I can interrupt you, Ali.

SAFAYI: Sure, I'm sorry, go right ahead.

MOSS: There was no proposal at all by anybody to change stopping sight distance, that was never even discussed, nor passing sight distance, the only thing that was discussed here was the distance required for the sight triangle. So I, you know, I will, in the interest of time I think I would stipulate that there is very good basis for these numbers that you've shown up here, and this Planning Commission never at any time discussed changing those or providing a ten percent variation automatically to those.

SAFAYI: Okay. So the verbiage in there is in error?

MOSS: Pardon?

SAFAYI: The verbiage about the stopping sight distance, changing, reducing the sight distance by ten percent?

MOSS: There, yeah, there wasn't, there never was any discussion about reducing stopping sight distance, it was only the sight distance required at intersections.

SAFAYI: If you look at this overhead that has to do with what Mr. Moss is speaking of, and that has to do with sight distances at the intersections. The same formulas have been used and the same analysis have been done to come up with these numbers. As a car tries to, for example, turn left onto another street there is a certain requirement for the other car traveling through that street to see the car turning in there and be able to stop on time before hitting that other car, so the basis for the formulas are the same.

One more factor that has been put in there is the level-of-service. Again by reducing these numbers and by reducing their required distances I think we are compromising safety. And again I mean throughout many, many years there has been a lot of studies done and these numbers are not just arbitrarily chosen, so reducing those I think we would, it would be a, you know, some type of a health hazard for the traffic, you know, for the people and for vehicular traffic. Are there any questions?

MOSS: Yeah, I'll make a response. And that is, Ali, everything that you've presented up here is certainly true, the conclusions, however, that you've drawn from some of this are not. And that is while this comes straight out of AASHTO the numbers that are produced by this do not agree with the numbers that are in the road standards for intersection sight distance requirements. As a matter of fact you can't get from this to that table. I've been unable to find in all my research where there's any backup for the tables that are in the road standards. They seem to have no genesis in AASHTO at all, nor in any other documented design procedure for highways that I've been able to find. I mentioned at the hearing last time, and I'd like to illustrate this again, that if the stopping sight distance and the passing sight distance are design criteria, if you're designing a new road, a new street or a new highway, those are very important design criteria, you use those to establish the minimum horizontal curvature and the maximum vertical curvature that you can produce so that you can see around the corners far enough or you can see over the humps, or if it's in the case of a sag they limit because your headlights at night are limited by a sag, vertical curve, these stopping sight distance numbers are very important.

The point that I would make is that you can design a road for 40 miles per hour, for example, that's the design speed, and have nowhere on that road that doesn't meet that design speed and yet have nowhere on that road where you could bring in an intersection and meet the sight distance requirements, there is something absurd about that. The fact is that the intersection sight distance requirements are a very convenient number to use, they're simply the number in feet that's equal to ten times the posted speed, and there's no basis for them anywhere that I can find in any highway engineering journal.

SAFAYI: If I may, there are different situation at each intersections --

MOSS: Yes.

SAFAYI: -- and I think taking the chance away from a review of that situation would just, you know, open the door to some mistakes that could be made. Just, I mean, ten percent reduction, there has to be some basis for it. In some cases that shouldn't be.

MOSS: Ordinarily I would appreciate that if there was a basis for the table in the first place.

SAFAYI: Right. So it's really important that, you know, the review that people at the County be able to look at each situation and say whether it's okay to through road mod process, whether okay to approve substandard spacing less than what their standard allows, and I think it's important that we look at each one separately and decide based on the condition, based on the other obstruction that may exist, based on the slope, the steepness of the road itself and many other factors, we should be able to review and say it's okay or not and the only way we can do that is through road modification. If that chance is taken away from us and automatically you get ten percent reduction in the sight distance, it may not be a good idea in some location, although I agree with you that in some situation that might be warranted and that's when we approve the road mod through -- I mean we approve that situation through road mod, that automatically giving that credit, I don't believe that's, you know, to the benefit of the public.

MOSS: Well, frankly, as a practical matter, what I found in these kinds of cases is that road modifications for sight distances are granted pretty uniformly for variations of ten percent or less and they're not granted at all below that, not at all, often I should say, but never have I seen the kind of a logical analysis that accompanies that decision that you're talking about so I guess I'm not convinced that it occurs.

SAFAYI: If I may, the way I look at it, reducing ten percent, for example if you required 200 feet of spacing for a car to be able to stop before hitting something, reducing that by 20 feet, you just hit them a little bit slower because that 20 feet --

MOSS: Wait a minute, let's go back to that chart.

SAFAYI: -- because that 20 feet is very important.

MOSS: Can we go back to your very first chart?

WRISTON: Let's go back to the rounding. Well, no, you're the engineer. I thought the rounding was -- I'm not an engineer.

LEIN: Yeah, but you're an attorney so you know it all.

WRISTON: Well, rounding from 1.6 to 1.25 is --

MOSS: The stopping sight distance that we're talking about here at the top should not be confused with the sight distance triangle. One of the things that I'd like to point out to you is that at 25 miles per hour you only need 150 feet of stopping sight distance, so why at 20 miles per hour do you need 200 feet of intersection sight distance?

LOWRY: Rich Lowry, Prosecuting Attorney's Office. It seems to me -- without having the foggiest idea of whether on the merits your concern regarding the validity of the present code is accurate or not, it seems to me it has nothing to do particularly with the in-fill ordinance and --

MOSS: I agree.

LOWRY: -- it would make more sense to suggest that if the Planning Commission believes that this is an issue that ought to be dealt with, it be dealt with generically and not through the in-fill ordinance. And I think you can use this forum as one to make that suggestion to the Board that they direct staff to report back to the Commission on this issue.

MOSS: I think that you're pretty much right on that. I think I can't disagree with you. I guess the only reason that I'm taking this occasion to argue this point is it seems like we're using basically groundless arguments to support a decision not to allow this ten percent variation that we've talked about here on the Planning Commission, so I have little recourse or little other option than to argue that at this point.

LOWRY: Right. And I didn't understand the nature of the issue at the last Commission, but if the basis for pushing on the ten percent exemption here is because the standard itself makes no sense, then I'd suggest that we ought to deal with that by dealing with the standard and not with a special exception for in-fill.

BARCA: I think it was more along the line, Rich, that as it being offered as an incentive we believed that there was no conflict with in regard to the aspect of safety towards doing that.

LOWRY: That's how I took it last time, that's not what I'm hearing in this dialogue tonight.

MOSS: Yeah. No, I think that that's the case because of the problem with the sight distance table.

BARCA: We're having to defend it from the standpoint of saying whether it's genuinely a safety issue because the very last paragraph of Mr. Safayi's, excuse me for butchering your name, is as it says "no variance shall be allowed outright when safety issues are involved," where if you declare all of them safety issues, so be it.

LOWRY: I understand. I don't want to belabor this, but it just seems to me this is the --

MOSS: The wrong forum?

LOWRY: Well, it's the right group, wrong time for this issue. And if the Commission itself believes that this is a legitimate generic issue, you can include it in your recommendation to the Board a request that the Board direct staff to come back to the Commission with a report on this when you can deal with it as a stand-alone issue.

WRISTON: Given our submissive participation in the work program, you know, I'm uncomfortable with that because we're going to pass an ordinance that isn't going to have what, isn't going to address one of the key issues and concerns that we think needs to be in there. And I guess maybe it would be a good time, I'll pass out the language I propose that we put in there and maybe that will solve the issue and see what everyone thinks on that. So I'll pass this out because I do think it addresses it.

SAFAYI: Are there any questions for me? I'm sorry.

WRISTON: Well --

SAFAYI: I'll be here.

WRISTON: -- probably not but --

RUPLEY: Lonnie, do you need one?

MOSS: No, I have one here, I think.

WRISTON: The language I propose in this talks about the road modifications and variances. It basically says that they'll be granted if they can be mitigated and if the, and obviously I'm open for tweaking, but if they can be granted. And if they can be, they would be granted if they can be mitigated and if someone is able to prove or show that there is a clear, substantial and definable risk of impact to public health, safety and welfare. What I read in Ali's language is if there are safety concerns, we shall deny, no comment, no talk, no discussion about mitigation, nothing about what Lonnie's saying, that this is a standard that we're saying, you know, ten feet for every mile per hour over, nothing about that. So just I'm throwing out this language for discussion, but it allows, and, Rich, yeah, you need to see it, well, there's more here, you need to see a copy.

DELEISSEGUES: Well, Jeff, who's going to make the decision whether or not there's a mitigatable risk there?

WRISTON: What happens is --

DELEISSEGUES: See, the argument is what's the basis.

WRISTON: The Court makes the decision in the long run. I mean that's the thing.

DELEISSEGUES: Lonnie's got one basis for this, Public Works has another basis for it, which one --

WRISTON: Lonnie's saying that his doesn't --

DELEISSEGUES: I understand what Lonnie's saying.

WRISTON: That Public Works is unreasonable and unfounded and is --

DELEISSEGUES: Unsubstantiated.

WRISTON: -- unsubstantiated, yeah. I mean it's just, I mean basically it's arbitrary, they're saying ten feet for every mile per hour, he's saying, as an engineer he's saying that's wrong. And if I hired Lonnie to represent me, for instance, and my engineer is saying that and these guys are saying I want ten feet for every mile per hour and we can't come to an agreement on that, then a court would decide. And I'm trying to put a standard on it, and Rich will probably have heartburn, but --

LOWRY: I'm going to be pretty blunt here because this language, the effect of this language would essentially change the burden of proof that is on road standards other than road standard modification requests based upon rough proportionality.

WRISTON: That's right.

LOWRY: It would shift the burden to staff to prove that the standard was necessary and take it away from --

WRISTON: Shouldn't staff know that, though?

LOWRY: Hum?

WRISTON: Shouldn't staff know that? I mean shouldn't they bear a burden of proof before they make a decision that something is unsafe shouldn't they be able to substantiate that burden of proof?

LOWRY: The typical burden of proof on any land use issues for developments is on the applicant to show that they meet the standards.

WRISTON: Well, I understand that.

LOWRY: See, this would generically shift that for any in-fill modification request. Now it's

already shifted for modification requests that are based upon rough proportionality, and staff's aware of that, the motivation for doing this is discomfort with how staff is administering the code. I will suggest to you, and would advise the Board, that if there is a perception that staff is not appropriately advising the Board that ought to be dealt with not by code amendment but through how the code is being administered, how the folk that are administering the code are themselves being supervised, what kind of policy direction they're getting. It is in my judgment would be a mistake, an error, to say because we generically believe that staff is inappropriately applying the current code, we're going to turn the code topsy-turvy when it comes to one particular set of applications. It just doesn't make any sense to me. This seems to me to be another example of attempting to address what is perceived by some to be a generic problem through one specific type of application.

Now having said that, what I heard at the last meeting is a belief that for in-fill developments more attention or more weight should be placed upon the criteria of existing conditions for road modifications than might generally be applied for other modifications and that to me makes some sense if you do that for in-fill. Or at least it did before in-fill became what it is today. And that kind of -- and that's the language I tried to give you, Jeff, at the last meeting --

WRISTON: Right.

LOWRY: -- that primary attention shall be placed to on existing conditions in the area and ruling upon modification request for in-fill. So I would recommend against this approach and would advise the Board against the approach that Jeff has suggested. Which is not to say that I don't think there may be, is a way to address the situation that in-fill modification requests ought to be dealt differently than other modification requests, but if they're going to be dealt differently, they ought to be dealt differently because they're different.

MOSS: Do you have any suggestions in that regard?

LOWRY: Well, the language, I don't have the language, but I had it passed up to you.

WRISTON: I have it. I had it. I have it.

LOWRY: It was something to the effect that in passing upon in-fill request for road modifications primary emphasis would be placed upon existing conditions.

WRISTON: Because I knew you were going to do this, Rich, I have a second option which I will throw out, and Ron is working another option, but I don't want the first option to be -- I have a hard time understanding why the burden of proof shouldn't shift because what that tells me is that the County doesn't have the staff to even carry the burden of proof, they just, you know, I mean that's what really, it's scary. And on something that's important, the burden -- well, go ahead, Rich.

LOWRY: Well, the reason why the burden of proof is on the applicant is because we have a code that has lots of standards. Those standards have been generically determined by the Board through the Planning Commission process and stuck on the books, that's what staff is to review to ensure are met. If an applicant wants to do something other than what has legislatively been determined to be the general standard, then it, you know, it's akin to a variance. We call it a modification in the road standards only because we don't want it confused with a land use code variance, but that's what it is, and historically, and maybe I can be again criticized for not thinking out of the box, but the variances have always been seen as something that the applicant has the burden of demonstrating entitlement to.

MOSS: Let me follow up on that a little bit. Let me ask you a question: Why are there so many standards in the road standards? You know, I spent a whole career in roadway planning and design and I can tell you that AASHTO is not considered a standard by the industry, it's considered a guideline. That's, you know, that's the whole essence of AASHTO is it's a policy on geometric design and uniformly highway designers and street designers depart from that policy provided that they mitigate what they do. Uniformly they do. I'm unsure why it is that it's put so differently?

LOWRY: Well, Lonnie, you're asking me a question I can't answer. And I mean we don't, you know, to me this is another reason why if we're going to seriously get into questioning the road standards generally, we ought to do that outside of a forum where we're looking at an in-fill ordinance.

MOSS: That may be a good suggestion.

WRISTON: But the problem is that we're not encouraging them, we as a County are not encouraging development in all areas that the County -- I mean by simply zoning a property I guarantee you as a County, as a practitioner or whatever you want to, you know, as a County we are not encouraging development in certain areas and we are saying we are going to encourage development of in-fill, so my argument would be maybe we need to have some different standards for in-fill if we're truly going to encourage it; otherwise, if you're just going to say, okay, you are just a typically zoned piece of property and, you know, whatever residential piece of property we don't encourage that. Getting a modification, a variance, getting these things, I mean it is not an easy thing and it --

LOWRY: Okay. Well, let's go back to your language. What is the effect of your language?

WRISTON: Well, Ron, Ron actually -- I understand the effect of my language and Ron actually, I think, shifted the burden of proof with his language, I like it.

BARCA: I don't see why we can't address your issue which appears to be one in which burden of proof is shifted and just say then taking what was put out here by Jeff and

changing that where the applicant needs to show clear, substantial and definable mitigation of risk as defined by the road standards. So if you got a sight distance issue, let's see what the mitigation can be. Let's turn it around then and say if we think that we can reasonably apply something that's going to be engineered in a safe fashion but it doesn't meet the existing road standards, then we'll change it. But then it doesn't come from staff having to prove themselves right, then the applicant proves that they can do it in a safe fashion.

LOWRY: Actually when you get later on into your agenda and start talking about the specific standards, you attempted to come up with last time all the stuff on adjacency, again to me you -- I think I know where you're trying to go, but that effort to try to have specific understandable clearly applicable standards in terms of what's next door doesn't make a lot of sense because what you're getting at is what makes sense under the specific conditions that exists in a particular neighborhood. And I'm ending up agreeing with you, I think that if you want to say that for in-fill development you can develop essentially with whatever makes sense and have a very discretionary process to make that determination, I think that's perfectly logical, legitimate, doable. The problem, of course, is that there's no assurance, then, when you go into that development process that you know precisely what the standards are going to be when you come out of it. But the trying to define in our code precisely when you don't have to do frontage improvements and when you don't based upon what happens to be next door without looking up the street a little bit to me doesn't make a lot of sense.

So the changing the burden of proof issue did and constructing I'd want to work on some language a little bit so that it's clear that the general standards that are applicable to road standards where you have to show more than just existing conditions, you have to show that what you're proposing to do it's not only as equal but I think there's a standard in there or criteria in there that you almost have to show it's better. Changing those standards for in-fill I think is doable, the effect of that's probably going to be that there's less certainty in terms of the process.

BARCA: Well, we know the process, the certainty that it is now, is one in which we need an in-fill ordinance. So with that being said I think we do need to tailor this more discreetly to match the conditions of the neighborhoods that the in-fill is going to take place in. Okay, I'll give you this to allow you to wordsmith it and then we'll see what it looks like when it comes back.

MOSS: We'll see what he thinks.

BARCA: Oh, I know what he thinks.

WRISTON: But I like yours better so.

LEIN: Would you like to come back to this?

WRISTON: Well, I'd like to, I'd also like to explore with Rich what he, when he's done reading.

BARCA: Wasn't that fun.

LOWRY: This is essentially takes off after Jeff's wording that the modification request shall be granted --

WRISTON: That's right.

LOWRY: -- and then it says "if applicant can show clear, substantial and definable mitigation of risk as defined by existing road standard." Now I don't want to get picky, but I don't know if you can go to the road standards and find what, you know --

BARCA: This is why I'm relying on you.

LOWRY: But I think if I read this what essentially what it's saying is that an in-fill development can develop to whatever road standards it can demonstrate will safely handle its impacts. And that's fine. If that's the standard that this Commission wants to recommend I think it's a defensible standard and to say that, but I don't think you then -- well, you shouldn't say the road modification shall be granted, we ought to just say that the road standards don't apply except for the purpose of trying to figure out what a bottom floor safety net is.

WRISTON: That's probably fine, I think. And, I mean, I think the problem is that we're saying that the road standards don't have any basis in reality on how this is going to be.

LOWRY: Well, if that's what you're saying, I'm going to go back and suggest this isn't the right time to take that issue up.

BARCA: But, remember, this was supposed to be something that we're offering as an incentive and if we go and just say that the road standards don't have any basis of reality --

MOSS: And I don't think we'd want to, I certainly wouldn't want to make that comment in a wholesale fashion because that isn't true. And that wasn't my point before, there are areas of the road standards that don't make any sense at all, but there is much that's in the road standards, for example stopping sight distance, that nobody argues with.

LOWRY: Again I think this issue is again, and this is being repetitive of what staff said before, is altogether intertwined with the applicability section. If in-fill is narrowly defined to mean those truly passed over stuff, saying that the road standards or that the road improvements that this stuff, the passed over stuff, has to construct is going to be totally dependent upon what the conditions are of the neighborhood, that's logical. If the in-fill ordinance, however, is going to amorphasize (sic) itself into a smaller parcel development

code, then having throwing out the road standards under those circumstances is pretty Draconian.

RUPLEY: Is there a point of compromise here that we can --

WRISTON: Well, I, what Rich said I phrased my comment broadly probably and I didn't mean to, I was focusing on what we were trying to solve. So I liked what you had said beforehand if you could remember, I think I did anyway, if you agree. And Ron agrees, I think. I liked what you had said in terms of how to tweak that language and say that the road standards don't apply if I think was what you or if you can show --

MOSS: I like if you can demonstrate that the proposed road is consistent with what exists in the neighborhood.

WRISTON: Well, that's a different, that's another --

MOSS: I like that part too.

LOWRY: Well, I guess I want to understand where the Commission as a body is coming from, number one, before I put a lot of time into trying to craft something, and, number two, get a better sense in terms of -- to me the easy way to address where this side of the Commission seems to be coming from is to simply say that the road standards, the road standards don't apply. We're not talking about modification, the road standards simply don't apply, we're going to have a different, more discretionary kind of a standard which simply indicates you only have to do those improvements for in-fill that are clearly necessary in order to deal with safety issues.

RUPLEY: From my point of view I don't know that I'm --

WRISTON: I think necessary is great.

RUPLEY: I was going to say the whole -- if you think about the whole nature of in-fill it's different than what code and our past practices have been, that's why we're here having this whole discussion. So I don't disagree with the theory that we've got to make things work, but I didn't want it, I'd like to get it down to where it fits in the in-fill part so that we can move on to other issues from my perspective anyway.

WRISTON: Well, clearly "necessary" is good and consistent with, the only problem is what comes after "with." I mean and that would solve potentially -- I mean I agree with you that if across the street, the only problem is some neighborhoods are developed such that the sidewalk is intentionally across the street and not on both sides of the street. I mean those things have to be taken into consideration.

LEE: As the incentive that you're looking to build in here what is driving the perceived incentive, is it the processing time associated with the road modification process or is it

the costs of building the improvement to what the current road standards say, because I would submit that if it is the timeliness of process, a discretionary standard such as Rich has described is going to end up taking you more time, more instances than a clear standard, and you should probably think about what you're trying to achieve in terms of the incentive in responding to that comment.

WRISTON: I'll throw my two cents in. Time, time is everything, but then when you got to weigh it against absolutely no deal, which would be in a lot of these cases where you've got, you know, a road that say is relatively unused but you're on a, you're on a bit of a hump here or, you know, a hump there or whatever and you don't quite have your sight distances, and then you're trying to figure out whether or not and you go to someone and you say, okay, you know, I'm going to need to get a road modification, what are my chances for getting a road modification, they say, well, you know, they're kind of hit and miss, don't really know, it's a 25 mile an hour road so you need 250 feet and you've only got 150, but only five cars use this road every two hours or something, I don't know.

I mean I'm just throwing out things, you know, all these things that come in, and, but, gee, if we go in and we say we're going to put up a sign or we're going to put -- I don't know what the mitigation would be and it gets wishy-washy and you don't have any standard and you're relying on, you know, some of the past history and all that would, you'd just probably say, well, that's not worth it and I don't want to, I don't want to do it, so and the cost. I mean if you're talking about not having to build sidewalks or, you know, full-width improvements and things like that, if you can do that, I mean it's a balance. I mean, and I can't answer your question right off the bat but it's a balance. I mean if you don't have to, I'd rather go an extra 30 or, you know, days or 60 days. I hate to say it but to not have to build those improvements, if I have a better chance of not having to build those improvements, rather than just walking away from the deal -- I mean it's not black and white. I don't know.

DELEISSEGUES: Rich, I've got a question for you. Let's say we adopted Ron's language the burden of proof was on the applicant and we came up with some mitigation supposedly to put a driveway in where the sight distance wasn't adequate and so forth, but somehow we put a speed bump up or whatever and that's supposed to be mitigation, what if there's an accident after this is approved, does the County still bear the liability for the accident? In other words the mitigation didn't work.

LOWRY: If there's, yeah, if a jury were to determine that the condition on that street was unsafe and the County hadn't put up warning signs or done something to make it safe, then, yeah, we'd have liability issues. But I don't want to over stress that situation because it's probably true that we're not talking about the gross end of unsafe streets, we're talking at the margin. So there are probably more miles of streets that lack whatever condition it is that, somebody said it again, modification for than there are streets that meet that criteria.

SAFAYI: May I make a short comment, please?

LEIN: Yeah, I think Ali has to leave here shortly.

SAFAYI: Just one short comment. I did not come here today -- it's a very interesting discussion, I'm sorry I have to go, I would have liked to stay, I didn't come here to defend everything that there is in either AASHTO or other standard, I'm sure that there are some problems here and there, but it's the best we have. And as a person that reviews the plans my duty is to look at the code, what it says and make sure that it's done accordingly. And when there is a variation between the plans and what the code allows, we have some processes such as road modification to consider that situation and approve them if it's not, you know, a safety issue. I don't want to be dramatic but the certain variation if it is allowed outright without us looking at it, and even one fatality is too many, and I as a person that reviews it, I feel responsible. I just came here to point that out, that's all I'm trying to say, that we are required to go by code. Whether in Mr. Moss' opinion there are, you know, some flaws or some problem with the way the numbers are developed, that's another issue.

Mr. Lowry said that there is another processes that, you know, people can go through and challenge the code and change it through some other processes, but all I'm asking is just to consider the safety issue. And I think there are some, these numbers have been tested over and over and many jurisdictions are using them. And as an incentive I don't have any problem. If there is a cost involved, maybe we can help out by not having to do certain improvements, but safety issues should not be compromised at any cost. And I appreciate the time that I was given here. Thank you.

LEIN: Thank you, Ali.

RUPLEY: Lonnie, can I ask you a question. I think in previous discussions, back to what Pat had asked in his question, I thought that it wasn't so much a time element, while time is very important, but I thought there were several parcels when we had some earlier Commission discussions that were eliminated from even being able to do this by these standards and so that's what you were looking at --

MOSS: Yes.

RUPLEY: -- is that true?

MOSS: That's true.

RUPLEY: And, Jeff, I think that's what you said also?

WRISTON: Yeah. And it is, and it's a scale. I mean it's, you know, the reason, part of the reason why you want -- two reasons why you want expedited time frames, one, there's the time value of money. I mean if you're carrying a contract --

RUPLEY: And I understand that part.

WRISTON: -- right, that's the easy one. The other one is if it's very uncertain, if you can go in and work with a landowner and say, you know, I'm not sure we can get this through but I will have an answer to you in 90 days or 120 days, a landowner's going to be a little more amicable than saying I'm not sure we can get this through, I'm uncertain, but, you know, I need a year or two years. I don't know if you're following me, but there's kind of a scale there. So the more certainty you get or the more standards you can put in there to help you in these road modifications, for instance, which are often the stumbling blocks and these improvements and things to feel like you're more comfortable that you can get some of these things, well, now you won't have to build this sidewalk or you won't have to build this, you know, width improvement, or you won't have to, you know, the project won't be killed because you, you know, don't have 20 feet of sight distance, well, you might be able to work with the landowner and be willing to after going through the process for a few months be willing to take on a greater financial risk on your own because you feel like it's more certain. I don't know if you follow me. I mean so it's a scale. You know, the part of the timing is the uncertainty so.

BARCA: So the short answer is it's to add to the inventory of developable land?

WRISTON: Well, yeah. But it's a scale. And it's not black and white, and, yeah. No, I mean, yeah, the short answer, yeah, you want to add these properties, but they're not going to be added if it takes two years and --

BARCA: Well, that's a separate incentive that we still need to work on. That was good.

LEIN: Can we move on?

WRISTON: Well, did we resolve anything?

LEIN: No, we'll come back to it. We'll come back to it.

BARCA: Okay, that was, what, 3-14?

LEIN: That was 3-14.

LEE: Cathy, I think you're on again.

CORLISS: I think so too. Well, I think there are probably two ways to tackle this. I suppose if there are no additional comments on the changes that came out of the meeting on the 21st and those look fine as shown, then we can just move on to where you all left off, which was Page 2-9.

LEIN: Cathy, can we go back to 3-18 and 3-19?

CORLISS: Yeah, certainly.

LEIN: We need to finish up there.

CORLISS: 3-18 there's some language proposed to make a single edit, very minor, to add the word "that" to Item 3 "the director may approve use of StormCeptor or similar devices that are acceptable." And Pages 3-19 through 3-22 I understand that your preference was not to delete any of the text from the section, but put the three recommendations that are being forwarded to the front of the section, three recommendations from Chapter 3 forward in that section, and then identify policy options considered but not recommended as the remaining items that were in Chapter 3. And so I think the conversation was should we strike entirely those things that aren't being forwarded to the Board for their consideration or show them the universe of all things considered and show which ones are being forwarded with recommendations, and my understanding was that you all wanted to go ahead and do the latter, leave them in but show them as not being recommended.

LEIN: Yeah, we wanted to forward them with the cross (inaudible).

CORLISS: Okay, good. Let's see. In terms of the analysis, and this is on, it starts at the top of Page 4 of 5 of the memo that was handed out tonight, the safety issues, of course, raised by Development Engineering were a big part of the comments there. Commentary in the draft will be forwarded to Board of Commissioners per the discussion. And as far as the results and conclusions, Elise, I don't know if there's anything in particular you'd like to highlight. You look like you're pointing at something.

SCOLNICK: That's okay. No, I know that we didn't get a chance to have Cathy look at this very much before she took over, but we still want to point out that it's important to look at promoting compact urban form and in-fill development assumptions and we need clear standards and to balance the compatibility issues with the need, the incentives and the need for in-fill and that these are essentially findings that we have included in here for inclusion in the report to the Board of Commissioners. But the proposed in-fill rules provide substantial incentives to promote in-fill, the proposed rules will allow a wider variety of housing types on in-fill parcels, would provide more opportunity for both small scale in-fill and in-fill land divisions. And while the new rules will increase the opportunities for surrounding residents to participate in the development review process, the rules do not include any substantive design standards for development that will affect the physical development style of in-fill projects. And this actually came out at the end of your discussion last time that Ron had made some comments as a matter of fact.

What we did was just recommend that you -- and if you wanted to go ahead and forward these changes or you still need to have further discussion, but essentially to pass on your recommendations to the Board and staff's recommendation is that the elimination of the automatic ten percent variance allows for sight distance and access spacing be considered. So that is sort of the conclusion of our staff report; however, you still have

substantial discussion to go on some of the other issues so and that will be included to the Board and how -- for their review from you before you have another hearing.

CORLISS: So thank you for going through those. As far as the changes to, the other changes to Chapter 3 I went over them very quickly, and then, of course, we went through the discussion with Ali because, you know, of his time constraint, I don't know if we did capture -- we had the overhead and the drawing of the abutting development questions and there were a couple of outstanding issues with that, or potentially outstanding issues. I guess the question is did we capture your intent in terms of abutting versus adjacent and what was the intent where there's sidewalks or other street improvements across the street.

DELEISSEGUES: I think the intent was to match whatever exists in the neighborhood.

CORLISS: Right. The language --

DELEISSEGUES: Abutting --

CORLISS: Abutting is very limiting in that --

DELEISSEGUES: -- is part of that description but not necessarily all of it.

CORLISS: Right, it doesn't necessarily capture anything that might be even just one house away and -- oh, please.

LOWRY: Well, and it goes beyond that because it may make a difference whether the abutting lot is developed or undeveloped. If it's undeveloped you may decide that it will get developed predictably and therefore we ought to have frontage improvements. If it's not developed -- I mean if it is developed that's much more of a reason to waive it and I articulately was trying to say that's why I think it's hard to get at this issue with a simple trigger that's premised upon what's on the adjacent lot or not. It also may make a big difference how much of the road as you go down it has the improvements, is it 90 percent with only spotty areas that are missing frontage improvements or is it primarily built-out with only a few areas that have improvements, which is the language that I tried to give to Jeff last, or did give to Jeff last time that said when we're dealing with the modification requests, assuming that that's the vehicle that we use to address this concern, that primary consideration be given to conditions in the area, that to me that one can rely on staff to try to carry out the intent of the code, that tells staff that the major factor there to look at with in-fill developments is what's in the area, how developed the area is, what makes sense, which is what I think I heard from the Commission.

BARCA: But, Rich, when we talked about this last time when we tried to define that, I thought it was your argument that putting a solid number on how far you go to survey was probably not appropriate because the characteristic of the street might not be consistent --

LOWRY: I don't, yeah, I don't --

BARCA: -- and here we're trying to give certainty, which you had described as important towards the process, and so we used a very elementary trigger to give it that certainty for the development community and for the surrounding neighborhood so they would know the rules are basically as black and white as this, and am I wrong or now you're up here arguing against doing that in that fashion?

LOWRY: I'm complaining. I have done some, tried to figure out a way that you could capture this issue in a standard that didn't involve a lot of discretion and I don't -- because you're trying to apply a standard to what is already partially developed through a whole range of parcel development situation, I don't think you can come up with a clear trigger one way or another, and my recommendation, whatever I said last time, now is that to me it makes more sense to tell staff that they ought to freely waive frontage improvements if it looks like it's unlikely that we're going to have frontage improvements along most of the road.

LEIN: Well, then, Rich, you're almost getting to the point where you toss this out and go to on a case-by-case basis and have the applicant prove to you, the County, that what they're applying for makes good sense. In this case, you know, this could be in the middle of a huge subdivision and the way it's done in terms of adjacency here, if we don't go across the street we are allowing this area not to develop and that doesn't make good sense to me.

LOWRY: No. No. Yeah, I agree.

RUPLEY: On the other hand, if you look from a safety point of view that's not a bad situation because there clearly is a way to walk for sidewalks.

LOWRY: Well, it's aside from the sidewalks so that may be a dangerous situation if you have, if that's a clear gap where you don't know that there aren't frontage improvements there as you travel the rest of the road.

LEIN: Because you're coming down from this direction and all of a sudden you have no frontage improvements potentially and then you're crossing the street to get over to them.

DELEISSEGUES: You could say abutting and/or across the street from existing frontage improvements.

SCOLNICK: We have two different definitions of "abutting," one in Title 17 which includes across the street and one in Title 18 that does not; however, "adjacent" in Title 18 does include across the street or and it's actually kind of vague but it says "near."

MOSS: I don't think we want to get into "across the street," that really doesn't make a lot

of difference as far as consistency of the roadway goes.

LEIN: But it does.

CORLISS: I think the across the street that we're -- if you were thinking about the road not being across the street from the, I think -- oh, go ahead, I'm sorry, Lonnie.

MOSS: I just didn't want Rich to go sit down, he looked like he needed a rest and I want to wear him out.

CORLISS: I think that "across the street," that might be of more concern is if you're looking at that drawing. And I should have lettered the streets, but if the vertical street is A and that middle horizontal street is B and the bottom street is C, the improvements if you were walking along the horizontal street in the middle there and you're going along --

LEIN: Which one are you at, Cathy?

CORLISS: The middle horizontal. Yeah, the middle of the picture, right. There we go. That's what I need, there we go. If I'm walking along B and that across the street because across the street when I was drawing this and I was thinking about it was that you're going to be crossing this street to no sidewalks, not the fact that you might have -- because you do often have streets where one side of the street has sidewalks, and it was designed that way, and the other side of the street does not, and that's consistent down the length of it, what you wouldn't want to see is gaps in that pattern. And so I know what you're saying about "across the street," one wants it to be the length of the roadway.

MOSS: I think we have two different issues here as far as safety goes, though, and one is walking and safety, and the other one is driving and safety, and I guess I'm a little more concerned about the frontage. I'd like to handle them separately, the frontage improvement is one thing I think we need to be consistent within a lane and I think it's important to fill in the gaps so that we don't have this constant change in section as the driver goes down the street. Definitely the pedestrian safety is another thing that ought to be important here too, but I'm wondering, Rich, if we can't address this fairly easily in just the way that you described, and that's if the applicant can make a case that it's unlikely that most of the street in the vicinity of this project is going to --

WRISTON: One block.

MOSS: -- to improve, then that should be prima facie evidence that this improvement isn't needed. And I think that's a fairly easy case to make and it should be at a consistency because, really, that is what's important here.

LOWRY: And I think that's right. And existing conditions currently is a basis for a road modification. The concern I think I've heard is that staff doesn't pay enough attention to it and we can put in the code that for road modifications for in-fill developments they shall

give primary consideration to existing conditions which --

WRISTON: Well, now, yeah, that's the language you gave me, but and that --

LOWRY: There are a variety --

WRISTON: That addressed one thing, it didn't address sight distance and some other things.

LOWRY: Okay. Maybe it would be worthwhile to just sort of talk about the constellation of choices that are available here. At one extreme we can just leave the road standards the way they were, and my own preference given where you went with eligibility is to do just that. But that aside, at one extreme we could say that in-fill developments is not subject to the road standards, instead it simply has to do those improvements that are minimally necessary to provide for safety and mitigate its own impacts. And don't focus in on the wording at this point.

WRISTON: I like "minimally."

LEE: What about "mitigate"?

MOSS: That's okay too.

LOWRY: The other choice, I think, is to try to instead of taking in-fill out of the current construct of the code is to say, yeah, it's subject to the same modification process as everything else, but we're going to have a special rule when it comes to modification. And I don't like changing burden of proof or to say we shall grant if the developer shows, instead, to me at least on this one issue, saying that for in-fill the big issue is going to be what's around it too, that that will be the prime determinant in terms of whether or not the road modification is going to be granted.

Another option which the Commission has gone a bit into is to say that although in-fill developments will be subject to other road standards, it's not going to be subject to frontage requirements except and then you could put in the exceptions, one of which is the walkways, and you could then say except if there are -- unless the road that it's on is predominantly already improved with some standard that talks about it, if there are a lot of frontage improvements already there. I mean there's just a ton of choices here that I think that the Commission -- we've heard from this side of the table and I'm not sure where the rest of the Commission is coming from and it's going to be if we can get the general direction we can come up with the wording to implement that direction. I mean what standard do you want? Do you want to say that in-fill will be handled in accordance with current code but with special consideration being given to the nature of existing improvements, do we want to say in-fill is not subject to the road standards but we will look at safety issues?

LEIN: Well, I wouldn't throw out the road standards. I think what we're trying to do is reach a consensus of some mechanism that gives the developer an opportunity to do something potentially more cost effective than what has been done in the past. This one bothers me because I really want to start going out beyond far enough that I know that what is happening in that community is more the development that's being consistent with what's happening in the community, not just what's happening on each side or across the street because I think that consistency is broader based than an "adjacent parcel" or "across the street."

MOSS: Yeah, I agree with that. And I had some concern about just looking at the parcels right next door, because if we take the broad view of in-fill, and I think we decided that we're not going to take every two and a half acre lot in the county and qualify that, but a lot more will qualify under this standard that we've adopted than before. If we look at a two and a half acre lot that's out on a County road someplace in an area that's relatively undeveloped and we give that lot a break from the frontage improvement standard merely because it's two and a half acres or smaller, I think we'd be doing the wrong thing. And I think I'm comfortable with leaving a frontage improvement requirement in place in situations like that because if we're in an area that's relatively undeveloped, chances are that that lot will have a chance to combine with neighboring lots in a larger development that may be more affordable, whereas the more isolated situations are the ones where bearing a frontage improvement by itself is really tough for the two and a half acre development. So I guess I'm inclined to look more at what's the probability of full development or ordinarily full development happening in that particular stretch of road.

CORLISS: Yeah. And I was just going to -- I was remembering back to the language that was in the earlier draft and that although it's not perfect, the language that was trying to get at that is that the project was not likely to meet the criteria for approval of a latecomers agreement, and that's the road reimbursement fund and I think that's getting at that same idea that you were talking about, which is in areas where one could get a latecomer's agreement it's because your neighbors are likely to -- I mean there's dynamic occurring in the neighborhood and improvements are likely to happen around you and for Counties --

MOSS: Well, for frontage improvements, though, latecomers agreements are never going to work.

LOWRY: That's right.

CORLISS: Yeah, but I was -- I think we were trying to get at that and I think that the -- where I was going is the task force I think was grappling with some of those same issues about dynamic neighborhoods where you're going to see either a lot of redevelopment or you've got a potential for a lot of change that there's going to be this opportunity to do something more. We also were looking at improvements to the subject streets are not proposed in the capital facilities plan so if there's something coming up there's planned improvements for that street, that it should be that that person should not be exempt from making those improvements because that would be in part contribution to that overall

program for the street and they'd be getting these --

MOSS: Well, we'd be parting company there.

CORLISS: Well, perhaps. Perhaps. And also that it, the subject street, is not an arterial or a collector because those are part of a more important street system.

DELEISSEGUES: I kind of agree with Vaughn's idea that it ought to be consistent with the neighborhood. And "the neighborhood" may be one or two blocks on either side surrounding. If the majority of the neighborhood's got frontage improvements, we should probably require frontage improvements. And if it's --

LEIN: But how do you take Lonnie's concern though?

DELEISSEGUES: -- and if it doesn't have --

MOSS: (Inaudible) consider the potential.

LEIN: Yeah.

DELEISSEGUES: Yeah, just like, Lonnie, you made a good point.

MOSS: If this is a largely undeveloped neighborhood but it's a qualifying parcel, it shouldn't necessarily --

DELEISSEGUES: See, I keep thinking of an isolated parcel like you do, but essentially we've developed this area and there's one or two lots that we're going to go back and we're going to actually do an in-fill project, that's where in-fill came from in the first place, and we keep going beyond that into real small lot development and I think between the two of them we get off the track. But --

WRISTON: Well, Vaughn, you threw out that you didn't think that we should take the approach that one of the approaches that Rich was suggesting that we not use the road standards and yet we're hearing tonight that maybe the road standards need work, and my concern is we always say, okay, we're going to pass this and we want to see the road standards back and we don't see them back for another couple years or this thing fails and so I have a problem that way. But what I've heard, I mean I've been writing down all these just for fun, all these different things that we're throwing out here, probability, clearly and necessary and consistent and stuff, and I mean we're kind of talking about two things, we're talking about the safety stuff, the sight distances and things like that is one thing, and I liked, you know, Rich just threw out minimally necessary to provide for safety and its own impacts, and it could be some other standard, clearly necessary or, you know, whatever.

And then we're talking about the other improvements, the sidewalks and the width

improvements and some things like that, and, you know, I wrote down necessary and consistent with existing development pattern of neighborhood, and then I threw in some definition, I said as defined within a two block I put length. This is very inartful but I'm trying to figure out, you know, it shouldn't be a radius, you shouldn't go over two blocks and jump over, but, you know, within a two-block length that's measured down any adjacent or abutting roadway, and it's up to you, do you want three blocks, four blocks, I don't care, you know, just I don't want to go from Hazel Dell to Cascade Park, you know, I mean I think you need some standard in there.

But those are the two things that I think we're talking about. We're talking about the safety issues that I think need to be, I mean if -- and I still think we ought to throw mitigation in there, if an engineer comes up and says, arguably says, hey, a light will do or a speed bump will do or something will do better or this traffic doesn't warrant this, then somehow some credence ought to be given than some 10 mile, you know, you got a 25 mile an hour road and so it's 250 feet.

LEIN: But I think that already exists under road mod, they could, they always have the opportunity to come in for a road mod --

WRISTON: Well, they do but --

LEIN: -- and that gives them the flexibility.

WRISTON: They do but it's not, it's -- there needs to be a little bit higher of a standard or, you know, the benefit of the doubt needs to be given to the applicant a little bit more. They're not easily granted, it's not something that if I went to Lonnie and I said I want to do this development, what do you think, and he says, well, you have a sight distance problem here and I said, well, what are the chances of me getting a road modification, you know, he's probably going to say, you know, unless it's within ten percent of this --

BARCA: Ten percent, which is how we got that wording in there to begin with.

WRISTON: He's probably going to say, well, you can try to do a flashing light, but, gee, I don't know, you know. You know, it depends on who you get for staff or whatever. I mean there's got to be something that I can say, well, here's the standard. And I'm willing to take the risk because if they don't do it, then I'm going to take them to task on it and it's not a totally subjective deal.

DELEISSEGUES: I think it's a problem because most of these projects are going to be either close to an urban area or within an urban area.

MOSS: Well, they're all in an urban area.

DELEISSEGUES: So you don't have the -- if you were out in the rural rural area where maybe you do only have five cars going along, then you're --

WRISTON: Very small streets, that's the thing. That's like --

DELEISSEGUES: I think some of these areas are more likely to have not only more traffic now but --

WRISTON: Maybe.

DELEISSEGUES: -- in the immediate future they're likely to have even, you know, more traffic than that, it's a growing development area.

WRISTON: You're thinking on larger streets. I mean a lot of these streets are just small neighborhood streets, the kind of street I live on right now, for instance. I mean it's just a pretty narrow neighborhood street that you just serve 15 homes and, you know, and get cut through from BPA traffic. But I mean probably kill any modification I did. But anyway, I mean I throw that out. I mean it's a major problem aside from the Chapter 3 problems but --

SMITH: With this increased consideration of mitigation only be an effect on in-fills that wouldn't happen without that or could you already also use that to put the exit to your subdivision on an area that would be more beneficial to you?

WRISTON: It would just be for in-fill. I think, I mean it just, beef up the language we've crafted for in-fill until the road modifications or road standards changed.

SMITH: So you could trigger it even if you're just trying to rearrange where your exit is, not just if it's a go or no go as to whether it will qualify?

WRISTON: Oh, I see what you're saying.

BARCA: If it's on an in-fill project.

SMITH: Yeah. But we're saying that the County could give more leeway, at least more consideration, of maybe some mitigation device that they wouldn't normally consider but would they consider that --

BARCA: In the in-fill ordinance so it has to be an in-fill project?

SMITH: Yeah. But would they consider that if it's just reorganizing your in-fill or would you consider that only if the in-fill would not be legal without this consideration? Do you know what I mean?

BARCA: I think it's all considered part of the incentives to do the in-fill development, and if it's a matter of designing the in-fill parcel in such a fashion that you think it pencils out better, then indeed the way that we're hoping to word it it would be that we would be able

to prove to the County that the safety issues are mitigated and it helps the project pencil out in a more reasonable margin so I get --

SMITH: The position of the road could make a difference of where it pencils out, it could be more than just whether it qualifies or not.

BARCA: Right. Right. And just I think we need to go back to the history lesson on this. A couple times ago when we looked at this same issue, the first thing we were going to do was have the road modifications included and frontage improvements, excuse me, included, and then we initially looked at the aspect of getting the applicant reimbursed for them and we said, whoa, wait a second, that's going to cost money, we're not doing anything that's going to cost the County money, so from there we moved into the aspect of then how can we create an incentive that has a positive cash flow enough to help the projects pencil out, and we came up with the aspect of the two incentives. One was waiving the frontage improvement where it was appropriate and the other one was to help the projects pencil out by offering a ten percent variance to the standards. Now we're waiving all around on this. I think if we want to look at this it's still project incentives that we're looking at and it's a matter of how do we do them so we keep the continuity of the neighborhood and we give some certainty to the process. Can we do that? Jeff is --

LEIN: I don't know if we can agree, but I think that was the intent.

BARCA: Well, Jeff has thrown out a two-block distance now which is a movement from "adjacent" or "abutting" language depending upon Chapter 17 or 18 definitions of wherever we end up.

WRISTON: Or one block each way, yeah.

BARCA: Or one block each way.

WRISTON: Maybe that's -- I mean maybe that's the better, one block, that's a good point.

LOWRY: Probably should go to feet or --

LEIN: Probably feet.

BARCA: Wow, this is where we were a month ago.

WRISTON: Feet's weird because to me "block" is more consistent with a neighborhood development pattern. Well, I mean I'll go to feet if, you know --

LEIN: It varies, you vary from subdivision to subdivision.

LEE: There's some wording here the local street density standard is you have to provide

the circulation at 800 feet, you know, if --

WRISTON: 800 feet either from either corner?

LEE: Every 800 feet you need to have a local street going through.

MOSS: There's supposed to be a street going through.

WRISTON: So do we just say 800 feet?

LEE: Well, you could if you want to stick with the intent of sticking with the existing neighborhood. Assuming not all the local streets have been punched through, you might have some where there's more undeveloped land and less undeveloped land somewhere else, maybe you could do, you know, something the next block and a half developed or 800 feet, something like that to give us, to try and handle both situations if the road's not through.

MOSS: I don't know. We're probably looking for a very elusive optimum answer here because if I -- I get more discouraged the more I think about it. You know, we could have 300 feet of frontage improvement adjoining this property and then the 500 feet on the other side is not improved and isn't likely to, so we would justify not having a frontage improvement on this one because the majority of that 800 feet will not be improved. And I'm sorry that I threw that out, it's just I'm getting discouraged here that we wouldn't be able to find the right language that's going to fit every situation.

RUPLEY: Which in that scenario, then, if you exempt them up front, they don't ever have to when the other undeveloped --

MOSS: Yeah. And there's --

RUPLEY: -- and so you'd end up with this one parcel, that's great.

MOSS: Well, my concern is you may have 300 feet of frontage improvement leading right up to this development and on the basis of considering the 800 feet you'd say, well, you know, the majority of this is never going to improve, just the 300 feet right next to us.

BARCA: This is how we got to "adjacent" and "abutting."

MOSS: Yeah, it is.

WRISTON: Well, we did have that conversation in terms of intent. We did the last time, we had that saying that you just can't pin it down but --

MOSS: We need somebody to jump up in a fit of brilliance here and propose a solution that captures all of this.

WRISTON: It's not going to be Rich.

LOWRY: I don't have specific wording but the concept that I would throw out is that we put language in the road modification section, I don't even know where it would go, that would essentially say that for in-fill developments road modification shall be liberally approved except where approval would compromise safety or detract from the nature of the neighborhood, whatever the nature of the neighborhood you guys decide is. So those are the two criteria, safety and what the improvements are in the neighborhood. Other than that the intent of the Board is that we or the --

MOSS: Or detract from the consistency of the system --

LOWRY: Existing or likely neighborhood road improvements.

WRISTON: I think that's getting closer.

MOSS: Well, that's borderline brilliance.

WRISTON: No, I wouldn't go there. I'm just kidding.

LEIN: With that I'd like to recommend we take about a five-minute break, Cindy has had a long day so I don't want to wear her out.

(Pause in proceedings.)

LEIN: We'd like to reconvene the meeting. Any other comments down here?

DELEISSEGUES: On what?

WRISTON: Where do you want to start?

DELEISSEGUES: Where do you want to start?

LEIN: Do we want to go back to --

WRISTON: Rich, do you have --

LEIN: Do you have some suggestions for us, sir?

WRISTON: Are you ready?

LOWRY: Yeah, not entirely but --

RUPLEY: Do you have copies for all of us?

LOWRY: You won't be able to read any of it. This is a proposal that would go into the modification section of the road standards. It would, excuse me --

CORLISS: Sorry, Page 3-12.

LEE: No, this is actually going in the road modification section in the code, not in this section of the code.

LOWRY: No, that is the road modification, which is on page --

CORLISS: It's 3-12 of the pink copy.

WRISTON: 3-12?

CORLISS: Right.

LEIN: Chapter 3, Page 12.

LOWRY: In order to make this work we might have to toy a little bit with some of the language in Subsection (a), but this language would be new language in a Subsection (c) within that modification and it would read: In order to provide incentive for in-fill development it is the intent of the Board that road modifications for in-fill development be, and then I need help with a word, I've got "liberally" scratched out, I have "freely" scratched out, but --

WRISTON: Granted.

LOWRY: -- a word -- no, I don't want to go that far. A word suggesting that the Board intends that when in doubt approve unless either inconsistent with existing or anticipated neighborhood improvements or presenting significant safety concerns. For purposes of this subsection "neighborhood" shall mean nonarterial or collector roads providing access to and within 1600 feet of the in-fill development.

RUPLEY: Can you say that again. I mean I got most of it, I just wanted to hear it again.

WRISTON: Did you guys double the 800 for negotiating?

LOWRY: Yeah. Well, you said two blocks, that's two blocks. I mean you could cut it down. In order to provide incentives for in-fill development it is the intent of the Board that road modifications for in-fill developments be liberally, freely --

LEE: Favorably.

LOWRY: -- favorably approved unless either inconsistent with --

MOSS: How about just "approved"?

WRISTON: I tried that.

LOWRY: Maybe I can, can we say for now "generally approved"?

WRISTON: Yes, generally approved.

LOWRY: Okay. Shall be generally approved. I have to say that I need -- whatever you guys do I'm going to try to come up with a better term, your recommendation will be your recommendation.

MOSS: What do you need, a modifier there?

LOWRY: Because I don't want -- if we're going to say "shall be approved" then we're essentially saying that you don't need a road modification. I mean it's just --

MOSS: No, no, "shall be approved unless," you're modifying that "shall be approved" with the rest of your sentence.

LOWRY: Let me think about that. Let me start over. In order to provide incentives for in-fill development it is the intent of the Board that modifications for in-fill developments shall be approved unless either inconsistent with existing or anticipated neighborhood improvements or presenting significant safety concerns. For purposes of this subsection "neighborhood" shall mean nonarterial or collector roads providing access to and within 1600 feet of the in-fill development.

WRISTON: How about "unmitigatable significant safety concerns"?

DELEISSEGUES: Is there such a word?

MOSS: Yeah, me too, that's --

WRISTON: I mean that with the safety. I mean we need to consider whether they can be mitigated or not. I didn't hear that tonight.

MOSS: You might even take out the "significant" then.

SCOLNICK: Is that 1600 radius or --

LOWRY: So I took out "significantly" and put in "unmitigatable."

SMITH: And how do we interpret the 1600?

MOSS: Jeff wants "significant" back in there.

LEIN: Can we put "nexus" in there somewhere?

LOWRY: In terms of?

LEE: You could have 1600 feet just going one way or you could have 1600 feet split 800 either side.

LOWRY: No, if it's within a -- if it's a road providing access you go 1600 feet away from the development or whatever other number you guys -- it's both ways.

SCOLNICK: It's radius.

MOSS: I like "a block each way."

LOWRY: 800.

WRISTON: It's a 1600-foot span, which was what, that was --

CORLISS: Jeff, you had some language about that modified your distance that said something about the longest street abutting or adjacent.

WRISTON: Abutting or adjacent. I was just -- well, I was just running it, but I think his language does that, doesn't it, Rich, what you're saying is you're running it along the road, right, it's not a radius?

LOWRY: No, it has to -- in this I was trying to be careful with the language. It's you're along a nonarterial or collector road which provides access to the in-fill development, that's the linear measure.

WRISTON: And that's the linear measure and that's the wording I had in there that I liked.

HIGBIE: Linear measure.

WRISTON: But I think his does that.

LEE: Well, does that mean 1600 feet either side?

LOWRY: Well, not on the 800.

WRISTON: Well, no.

BARCA: It was 800 in each direction?

LOWRY: Yes.

LEIN: Rich, I think the 800 came from one person over here, maybe two, I think we would want to get agreement on that.

BARCA: The lefties have something to say here.

LOWRY: The language here says that we're dealing with nonarterial roads providing access to the development within X feet of the development, so it's whatever the X feet is it's out from the development. And so if it's 800 feet, you're doing a circle that's 1600 feet and looking at the access roads within that circle.

MOSS: The reason that the 800 appealed to me was because it was suggested in the first place, because that's the normal block length.

DELEISSEGUES: Is that radius, Rich, 800-foot radius?

SMITH: No, up and down.

LOWRY: Yes.

SMITH: Is that radius?

RUPLEY: The way you read it I thought it went 1600 feet in both ways?

WRISTON: It did.

LEIN: It did. But then there was a suggestion --

WRISTON: It's not radius, it's not, it doesn't, it wouldn't skip over, it wouldn't skip over these but it would go up and down the street.

CORLISS: It doesn't go that way.

WRISTON: It doesn't go north/south, it depends on where you get access and --

CORLISS: The street that you take access on; right?

LOWRY: This is intended -- what I intended when I wrote this is to say if you drive on access roads, whatever the number of feet is, whether you're turning corners or whatever you're doing, that's the neighborhood and that's the area you look at to see whether or not --

MOSS: Well, to me the consistency is more important on individual streets that --

DELEISSEGUES: Yeah, you would think so.

MOSS: I'm not concerned, for example, if this street right here is largely unimproved and will stay that way, then I don't want to see a frontage improvement on this; conversely, if this one is largely improved or will be improved, then I would like to see a frontage improvement on that one. I'm not concerned about getting the same answer on both these streets, I'm more concerned about the consistency along a given street.

LOWRY: And I think this is -- again in general standard it says what you're trying to do is maintain consistency with existing and anticipated neighborhood improvements.

DELEISSEGUES: So it's not a radius, it's a linear?

LOWRY: Right. If when you turn the corner most of that street is not improved, then you're maintaining consistency with the improvements, so I don't think your concern is inconsistent with this language.

WRISTON: No, that works.

BARCA: Will you explain to me why we're doing this to the road modification standards and it's not included in the in-fill ordinance? I guess I didn't understand that.

LOWRY: Well, the --

DELEISSEGUES: It's in the road modification standards for in-fill.

LOWRY: Yeah, the way the current County code works, if you want to find out what the road requirements are for a conditional use or any kind of a development, you go to the road standards.

WRISTON: Because that was part of Chapter 3 and that was the road modification standards.

MOSS: What kind of a modification is this?

LOWRY: I don't know. We could, you could -- do you have a suggestion?

MOSS: Administrative.

LOWRY: Administrative, okay. I don't, okay. Yeah. And we can add that to the language here that says it's administrative.

MOSS: Well, this is the place where we can provide a little monetary incentive, and that's that road modifications, the design type modifications, bear a fee of I think it's to be

\$1500, after the fee has changed currently it's more than that, it's one that's going down a little bit, but administrative modifications have no charge.

RUPLEY: So is this something that you think you could live with?

MOSS: Yeah.

WRISTON: Throw it out. No, throw out the administrative and see what --

MOSS: Yeah, I'm proposing that we make this administrative if we can, because since it is going to be generally liberally approved, then I don't think that there's going to be a lot of staff time to spend on this, so no need for a big fee.

RUPLEY: Well, speaking from the left side of the table.

DELEISSEGUES: The far left.

RUPLEY: The far left.

MOSS: The right side for our audience.

WRISTON: All the way down to Carey.

RUPLEY: Go ahead, you're the far left.

DELEISSEGUES: No, I think it's pretty good, 800 lineal. I liked your language, I thought that --

LOWRY: I want to emphasize that this is not staff coming up with a proposal for you.

DELEISSEGUES: No, no, no, I think it's what we're trying to get at.

LEIN: You're trying to work it through us.

RUPLEY: And that's where I want to go. I don't know that I care about language, what I care about is that you don't have to do more than what's existing or planned for and that you can get by with less. So I want to be able to preserve what's within there so that's what my intent is and I think that gets there.

MOSS: I think so too.

SMITH: Are we comfortable with that much subjectivity? I mean we've got some limits linearly, are we going to say it has to be 50 percent developed, 75 developed, do we, or do we trust the staff to use their judgment to say what is appropriate?

BARCA: I think by us getting the wording in there that we're working towards the aspect that we have approval unless.

SMITH: Otherwise.

BARCA: Yeah, it allows that subjectivity to move towards the applicant in this regard.

WRISTON: I mean staff will still have a considerable amount of things to consider, considerable amount of movement, but it allows an applicant --

BARCA: Now you did it.

WRISTON: Oh, no.

LOWRY: I really feel --

RUPLEY: I tried to end the conversation, you know.

LOWRY: I just want to say one other thing. I will advise the Board that a consequence of this language in light of what you've done with the applicability section is to give huge incentives for people to come under the in-fill ordinance. If you can avoid frontage improvements in this fashion, it's a huge incentive. And that means that out in the hinterlands if you can manage to develop a two and a half acre parcel that has one two and a half acre parcel with a house on it next to it, that's what you're going to do.

MOSS: But didn't the language that you just read us take into account what the likelihood is of future road improvements as well as what exists right now?

LOWRY: And if you have the opportunity to make the arguments that for whatever reasons, you're not going to likely get them because everybody's going to come in for an in-fill development. No, you're right, there is an ability to go the other way, but I think this does highlight that, one of the problems with expanding the scope of the ordinance.

RUPLEY: Are the hinterlands really in this area that we just are talking about?

WRISTON: Oh, they're in the urban growth boundaries.

DELEISSEGUES: Not really because you've got to be able to hook on to water and sewer.

WRISTON: Well, it's got to be in the urban growth boundary and I don't know if we've decided on that.

MOSS: Rich, let me make sure that I understand what you've said here with your

proposal to try to satisfy us. If somebody has two and a half acres out on the edge of the urban growth boundary, if you will, and in an area that's largely unimproved right now would they qualify for no in-fill development under this standard if it's likely that in the future the adjoining parcels will mostly develop?

LOWRY: No. But if they can say that this guy next to me is probably not going to develop because he likes his two and a half acre parcel with his house on it, and the guy on the other side has got lots of wetlands so he's not likely to develop, you can set up the arguments.

WRISTON: That's good. That's good. That's what we're trying to do.

LOWRY: The concern I have is that it may be pretty difficult to find a developable parcel in the current UGA that's bigger than two and a half acres with the limitations that we've got, the exclusions that we've got and wouldn't qualify. I mean this has become potentially the rule and not the exception.

WRISTON: That wouldn't, that where you wouldn't be able to make the argument, not necessarily qualify. I mean staff can still say, and the other thing you got to remember is, you know, the whole point of this thing, and the whole point of grasping for any incentives that we probably won't get when this thing's all done, is that there aren't great margins in this deal so there aren't --

LOWRY: My only point is that --

WRISTON: Huge legal fees in the --

LOWRY: -- these incentives take on a lot more policy implications with the applicability section as broad as it is, that's the only point I want to make --

WRISTON: But someone's got to have some deep pockets to be able to push those. If staff denies, you still got to push them through some appeal process and through court on a two and a half acre, ten lot subdivision or something and be able to justify that in your budget.

DELEISSEGUES: See, that's where we really get confused. I still say if it was an individual in-fill lot, all of what we're saying would be perfectly clear, I don't think there would be any problem, 800 feet on either side, lineal measurement. When you get out into the hinterlands, what we're talking about here with the two and a half acre development, then it's a different picture. In the in-fill that we're trying to encourage in the urban area with the single bypass lot and all the incentives that we're trying to make there, when you start using those out in the two and a half acre, then you begin to worry about exactly what you're talking about, you know, the long lengths of unimproved frontages, whether or not --

MOSS: But if you have those, I think you would have a very difficult time, I would have a difficult time, saying that this road won't develop and therefore this parcel shouldn't have to --

DELEISSEGUES: I would too, that's what I'm saying.

MOSS: I don't think you could make the case, so we wouldn't be --

LOWRY: You're probably right, but when we put in the language that "shall be approved unless" I mean it raises concern. And when we put in a Board direction that staff, you're really encouraged to grant these things, we want to encourage in-fill, and then we apply that in-fill ordinance to the hinterlands, I think there's more of a concern that the ordinance has just gotten too big.

DELEISSEGUES: Me too.

RUPLEY: Well, and then to take that concern that you just expressed, what you're then saying is is that what we'll end up with is these parcels developed without those improvements that then become the public responsibility to do, so you've been giving those incentives up front and it's going to cost more at the end, because I'm not interested in doing that either.

MOSS: No. And I don't think I am either. I don't believe that's going to happen. I don't believe it's going to happen because I don't think that a two and a half acre parcel that's on a road that is going to develop is going to be able to demonstrate that it should be granted this frontage improvement based upon either the existing or the future character of this neighborhood, that they'd have to go 800 feet in each direction and say --

DELEISSEGUES: That's the other point.

MOSS: -- oh, I've got all this vacant land here and now I got to prove that it isn't going to develop. I don't think that's going to happen.

DELEISSEGUES: The other point of contention is going to be will the adjoining roadway eventually be improved, you know.

MOSS: It will be if there's development in the neighborhood, it's going to happen.

WRISTON: Development is likely. I mean if the adjacent property is undeveloped --

DELEISSEGUES: But when?

WRISTON: I don't think that matters.

MOSS: Well, that's a problem that we've got every day regardless of whether it's in-fill or

not. We get (inaudible) develop as that property develops and, you know, there isn't any logical progression.

DELEISSEGUES: I mean if a guy owns a 500-acre farm next to it, you might say that he has no intention of doing anything but farming would that be a good reason to not do the frontage improvements?

MOSS: Yeah, I can -- boy, I wish I could find that one.

SMITH: How old is he?

DELEISSEGUES: I just wondered, you know, you kind of put staff on the hot seat, you know, to make these determinations.

MOSS: If there were a 500-acre farm --

WRISTON: It's about time, they ought to go in it a little bit.

DELEISSEGUES: I don't know, it's not an easy thing to do.

MOSS: If there were a 500-acre farm, though, to take your example, if there were a 500-acre farm next to this in-fill development, you would have to say -- and it's in the urban growth boundary you'd say that would develop, therefore that's not an excuse for not requiring frontage improvement.

LEIN: Elise.

SCOLNICK: What you might want to do just to take a look at where the impact might be is look at the maps that we had passed out at the first meeting, the in-fill parcels most likely to develop, and that kind of gives you a sense of the lotting patterns and the sizes where it may apply. And remember that these are only vacant and underutilized, these don't include existing homes on there which could be redeveloped, but you can kind of get a sense of the amounts of area that this may impact and where the roads are, kind of get a sense and where development is happening. Yeah, it would be this. I have some extra copies if you need some maps.

BARCA: I think that helps bring it into focus. I think we're in a position right now where we were given some wording that I heard general agreement about, but didn't get specifics as far as the entire polled Board on it. We can make note of Rich's concern and let's, let's move on from it. If we feel like anybody is really in dissent and doesn't want that wording included, would somebody just say so, otherwise I'd like to include it and move on.

LEIN: Let's go.

RUPLEY: Yeah, let's go, that's fine.

LEIN: Are you okay with this, Jeff?

WRISTON: Yeah, I'm fine.

LEIN: Dick? Carey?

DELEISSEGUES: Well, my only concern is how are we going to implement it, you know. I'm not so sure I agree with Lonnie that it's just a foregone conclusion that you can look at this thing as black and white, whether or not it eventually it's going to develop or not, and that's going to be the argument. If I were interested in developing under the in-fill ordinance and getting those incentives, that would certainly be the argument I would make is it's not developed now and who's to say when it will or if it will.

MOSS: Well, I think there is also in the road standards, isn't there, as I recall a statement that the Board of County Commissioners have determined that basically all the land within the urban growth boundary is going to develop?

LOWRY: Actually that's in the "modification" section.

MOSS: I believe it is. So I, you know, I don't really think that it's sufficient --

DELEISSEGUES: Well, there goes your incentive. I don't know.

MOSS: No, no, no, I don't think so. I think what we're saying here is that you're not going to be able to say that the guy living on a three-acre parcel next door who doesn't currently want to develop his property at this particular time has property that won't be developed, I don't think that means anything, we got to look at it in longer term than that. But I think that you can make the argument that somebody that's got a \$400,000 house in the middle of a one-acre parcel next door probably isn't going to develop any 5,000-square foot lots around the edges of it.

RUPLEY: Except to have their parents live with them.

SMITH: I guess I'm interested in whether Pat thinks that this is something that staff can deal with?

LEE: I think you're all right, in some cases it will be a pretty clear-cut choice, in other cases it is going to be argument and there will be some sort of decisions made. I think we can deal with it. I think it certainly provides us some definition to argue what the parameters are in terms of the distance for calculating, you know, whether it's consistent with the neighborhood road standards, but I'm also sure that there's going to be disagreements between arguments that are submitted on occasion and what staff's interpretation is and that's why processes are set up to resolve those.

LEIN: But that's happening now so it's nothing new.

WRISTON: Well, it is, that's a good point. You guys did a really good job of coming up with language, by the way.

LEIN: Thank you.

RUPLEY: Your timing could have been quicker.

SCOLNICK: Could we get clarification from you?

LEIN: I'm not sure you want that.

BARCA: That would be a first.

SCOLNICK: If this language is incorporated or something similar does that mean that on Page 3-4 that section Sub (ii) goes away totally?

CORLISS: We had proposed new language for that Sub (ii) in the materials tonight, it's at the bottom of Page 3-4 in the pink covered ordinance and at the top of 3-5, and there has been some discussion about it which led to this kind of broader discussion. It seems to me that we've moved from this exceptions language to this language in the road mod and therefore this doesn't need to be modified, it can simply we don't need to go there.

LOWRY: Except for the school issue.

DELEISSEGUES: Yeah, the school issue stays in.

LOWRY: Although that may be probably be the, keep everything in one place, which is what I would recommend. We'd probably want to put in a third exception for the school stuff with all the same exceptions as you have here.

CORLISS: Well, the exception with the school stuff was basically an exception to the exception and if we take out the exception we --

LOWRY: No, I'm saying that if, yeah, if we apply it to this language we would say that modifications shall be freely granted or shall be approved except and this will --

CORLISS: Right. But in this section of the code where we had proposed previous language we don't need it, okay. Thank you. Got it.

LEIN: Okay. Can you bring us back on track to where we are now.

CORLISS: Well, I think certainly that answers the questions about Page 3-5 and then

there was the question on 3-7 about In-fill A and the 8 lots or maximum 12-dwelling unit or 8-dwelling unit question, and then whether you had done or wanted to do something different with In-fill B. And this is on the bottom of Page 2 of 5 of this memo.

WRISTON: Well, I thought we went to four lots, yeah. I thought we just, yeah, I mean we clearly said --

LEIN: We talked about four lots or six dwelling units and then we got into a discussion of why not eight and why not --

WRISTON: Four lots. And then we scratched out "where full width roads are impractical to develop."

CORLISS: Right. So these changes, then, are accurate; is that true?

BARCA: I have a question on the part that's underlined where it says "sidewalks are not required unless school bus transportation to the proposed development is not provided for children." Did we say sidewalks?

MOSS: No, I don't think so.

SCOLNICK: Walkways.

RUPLEY: Yeah, we said walkways.

BARCA: Because we know that sidewalks have an engineered connotation of a certain standard and we were just talking about --

MOSS: Urban sidewalks are --

WRISTON: Well, it was always -- we had a discussion about it being safe --

RUPLEY: Safe walkways.

WRISTON: -- walkways or safe access, safe walkways.

BARCA: Right, okay.

MOSS: I still have a -- okay, we're saying in these cases, have we made a decision in these cases that we are going to require in-fill, we are going to require sidewalks on in-fill roads on --

DELEISSEGUES: Just in the --

MOSS: -- on all in-fill roads?

DELEISSEGUES: No, just in school.

SMITH: Half mile, wasn't it?

RUPLEY: And remember we talked about the school would not go down those long because those would be private roadways.

BARCA: That's back on Chapter 3, Page 5 we left in the criteria which we I think as the last draft 5 was (C) we took out the half-mile requirement and changed it to whatever the school district standard was.

MOSS: But we're talking about an interior road here, generally a cul-de-sac, an in-fill road that hasn't until this point ever had a requirement to have a sidewalk and now we're saying that we are going to add sidewalks to these roads?

BARCA: No, no, not sidewalks, walkways.

MOSS: Walkways. That's still an additional width requirement, is it not?

DELEISSEGUES: It might not even be connected with the road, it could be a path or something.

MOSS: All of these, none of, every one of these roads there's going to be an interior road and the school buses are not going to go on these roads, so in effect we're saying that every in-fill road has to have a walkway.

RUPLEY: But if you have four lots on this roadway, that means minimum of four cars or eight cars and so I still think you need for safety issues to look at some way that you have walking access rather than the street.

MOSS: Yeah, right now kids walk down the road on these very low volume roads, most of them are very short.

DELEISSEGUES: Yeah, I don't think we changed that, did we?

MOSS: Yeah, I think we did.

DELEISSEGUES: Where it says "walkways are not required, sidewalks are not required," we didn't change that.

MOSS: Well, we said sidewalks are not required unless school bus transportation to the proposed development is not provided for children. My point is this, and maybe I need to illustrate this on the board because I don't want this to get lost, this is an in-fill development fronting on a main street out here that the school bus travels on and this

in-fill road is very likely to be a road like this with a few lots along this. Right now we're saying that this would have to be a 20-foot road, we have said that it had to be a 20-foot road, that's been the standard up until now for an In-fill A Roadway. Now we're saying we're going to add a sidewalk along this if kids have to walk, if the school bus doesn't come, well, the school bus is never going to go in that road so aren't we now requiring sidewalks on that road?

WRISTON: No. We talked about that at the last hearing though. I thought we were in agreement that we realized that, you know, the traffic on that road of eight homes or whatever you have there that, I thought we talked about this, I thought that it wasn't going to require sidewalks or walkways or whatever to get to the --

SMITH: Rich had an obscure State law there, didn't you?

WRISTON: Yeah, good point. Yeah, you did have. You said the law didn't require us to have that?

LOWRY: No, I didn't say that. But I'm looking at the table that's in the road standards here and there is a -- one of the roads deals with sidewalks and it says "and A, not applicable for alleys, In-fill A's and In-fill B's," which I assume means that there's no sidewalks for those roads.

MOSS: There has not been a requirement up until this point for sidewalks.

LOWRY: Well, I think maybe we did take the exception for schools and apply it where we shouldn't have.

MOSS: I think so. I thought we tailored the exception for schools to apply along the frontage there, but if there's not a sidewalk there and, yeah, and there's no school bus serving the area, then we need to have one along the frontage.

LEIN: I thought that was the intent.

DELEISSEGUES: Your drawing there we wouldn't have eight lots, right, we'd only have four?

MOSS: No, we have eight.

LEIN: We have eight under In-fill A.

WRISTON: In-fill A.

DELEISSEGUES: I thought we changed that eight to four lots?

WRISTON: No, it would be in-fill. We're talking In-fill A and B. I mean it's --

MOSS: In-fill B is four.

LEIN: Lonnie, I thought we had some of that discussion, but I thought we ended up with that we were not going in on a private road with any sidewalks, but if it wasn't served by a school bus because it was driving by and not picking up kids and it was within walking distance, that the frontage would have to have sidewalks?

WRISTON: The frontage, but not going up into it.

MOSS: I think that's right. I think we inappropriately attached the sidewalks to the in-fill road.

LOWRY: I think the only place we need to put the provision regarding school walkways for kids that walk to school is in the provision on road modifications now where we say we're going to freely approve these road modification except in three circumstances, one having to do with the neighborhood condition, one having to do with safety and the third will now have to do with walkways for kids who walk to school.

MOSS: Right.

RUPLEY: Or walk to the bus.

LOWRY: No, not walk to the bus, that's a anomaly, that's currently in State law that it says we require it when we're looking at plats and short plats to make a finding that there's adequate walkways for students who only walk to school, not to the bus stop. It doesn't make any sense but that's current law.

MOSS: Yeah, you know, I think from a safety viewpoint, though, you could make a case that kids who only had to walk half a block away down this main street would need a walkway also even though State law wouldn't require it, but as far as walking on an in-fill road, I mean I don't, I just don't think we want to go there and require --

LEIN: I didn't think that was our intent in our discussion.

DELEISSEGUES: No, I don't think it was either, that's what I was trying to say.

RUPLEY: Fix the language.

BARCA: So to clarify that then, we just leave it at sidewalks are not required, period?

MOSS: Right.

LOWRY: Well, they're already not required.

MOSS: You don't even need to say it.

LOWRY: The table says it's not required.

LEE: We'll have to strike that language that we had added.

SCOLNICK: Yeah, it's gone.

LEIN: Then that would be picked up in the other section.

LEE: Yes.

DELEISSEGUES: I think on that page we ought to eliminate In-fill B Private Roadways, period, just eliminate the whole thing based on the exhibits and the discussion we've had anything less than 20-foot wide is not a safe road.

MOSS: Well, I think there's -- I've read the exhibits and I think that Garry Lucas made a comment, an important one that I hadn't thought about before. In our discussion last week we talked about a little more enforcement might work here, but enforcement can't work if he has no authority to enforce parking on a private road, so I think that's important. I don't think Lynam's position supports what you're saying though. What Lynam says is that he wants a 20-foot roadway where it's over 150-feet long and that's been the position up until now.

DELEISSEGUES: No, that's not what he says, he said he supports a 20-foot wide road up to 150 feet.

BARCA: No, over, not "up to." It says "over."

MOSS: No, it doesn't say "up to," it says "over."

DELEISSEGUES: Well, that's not what the police or the fire chief said when he testified, he said he wanted 20-foot minimum width road, period.

WRISTON: Well, it was "up to" so we go down to --

DELEISSEGUES: Even the task force decided they wanted a 20-foot minimum road as I understood it from the testimony from the guy that was here last time.

MOSS: Well, I don't want to minimize the, you know, the importance of safety here, but I do think that we've got an obligation to look at all aspects of this, and Jeff mentioned this a number of times in previous meetings that where this is of real value is where you're trying to get into an otherwise inaccessible location. If you've got the room to build the 20-foot road there's really, it's generally not that big of deal, you know, if it's only 150-feet long to put an extra 8 feet of pavement. The problem is that many of these in-fill lots are

ones where there's a house or some kind of lot configuration that creates problems to even get the roadway there and that's why I was so concerned about are we going to add a sidewalk onto this too, you know, how wide are we going to get. I think if we want to make these things work we've got to have some opportunity to have some narrow roads to get there.

DELEISSEGUES: Well, I guess you can think that.

BARCA: There are a lot of jurisdictions that have found this to be an important component of getting in-fill done and the reasons it happens is primarily what Lonnie is saying, it helps facilitate the ability to get the in-fill done in a lot without having to sacrifice an existing building in a lot of cases. I see places where this has been done effectively and the emergency services probably testified against it in those times also, but now that it's the way that it has filled out they've adapted, and I believe that if we're going to look at handing the Commissioners all the incentives that we think are valid towards making in-fill happen, we include this one. If the Commissioners choose to throw it out, then that is always their prerogative.

SMITH: Is there a way we can word it where 20 feet is still required unless it makes the lot impossible to build? In other words, if you have an opportunity to go 20 feet you go 20 feet, if that 20-foot limit is what's limiting that property from being buildable, then you're allowed to go to 16 or whatever we can agree on.

WRISTON: You know, we've limited this to four lots. I mean in the 6,000-square foot zoning, you know, you've limited it to 24,000-square feet so, you know, a little over half an acre, and I guess if -- I'm doing this wrong, but if you back out all the improvements and all of that you're probably even less than that. But I mean, again, you're, I just really worry that the vast majority of these are not going to be your eight lots and your longer subdivisions or in-fill developments, but are going to be the parts where -- and you talk about your character and that's the point I'm going to get, they're going to be the parts where people are trying to put another home or two, another lot or two or whatever, and maybe where they're on a half acre lot and they're going to try to put in another lot or two back behind their house which, you know, if a lot of people do that that's going to start to have a significant impact and now you're going to have this big 20-foot roadway going through because we're concerned about access for safety vehicles to get back behind this house, it becomes, you know, and there may be the 20 foot, there may be that there's 20 foot room there, but now you've just taken an additional eight feet of this person's yard.

And that's where I get to the character point is now you've got this big asphalt roadway and if you require sidewalks, which we're not, but I mean if you put sidewalks for, you know, the sake of the Commissioners to hear this and all this junk going back into there, now you've got this, you know, brand spanking new 20-foot road with sidewalks and all going back into the person's backyard to serve a couple homes. Two homes probably.

LEIN: Elise.

SCOLNICK: Excuse me, in our road standards we do allow joint driveways for a maximum of three legal lots can use a joint driveway and there's no width requirement on those at all so.

MOSS: Yeah, there is 12 feet.

WRISTON: Another inconsistency.

SCOLNICK: Well, so you're adding an additional, just one additional lot onto that so.

WRISTON: That's a good point. It becomes --

BARCA: It's pretty minor then, isn't it?

CORLISS: Certainly in the case where somebody's adding two units behind an existing house they might want to do it with a joint driveway.

WRISTON: Even four. I mean it, you know, if at 6,000-square feet you're less than, unless my math's wrong, you're less than half an acre, you're about a half an acre.

MOSS: About a half an acre.

WRISTON: You know, and it's just these aren't -- people need to put this in perspective in terms of how big that is and how far we're talking. I mean it's not, it just isn't that big of a deal in my mind. And there is a character aspect and a compatibility aspect that I think needs to be considered when you're talking about serving those homes with this big 20-foot road going in there and there's got to be a cost benefit put in there too. So I know, and I think we might just have to agree to disagree on this but --

LEIN: Well, why don't we take a straw vote on it so then we can move along and I think whenever, and if we ever get to a motion we may work on a motion that if you disagree with certain parts of it state that you do, or we end up pulling certain aspects out of it, but I certainly think that we're not going to have complete agreement as we go forward.

MOSS: Right, I think that's the case.

LEIN: But we'll have a lot of conversation to share with the Commissioners. So 20 feet versus the 12 or are we pulling B?

DELEISSEGUES: Is it 12 or is it 15?

BARCA: It's 12. And I think what we want to know is do we include In-fill B Roadways in the ordinance, yes or no.

MOSS: That's a cleaner way to do it.

LEIN: That's cleaner, okay. In-fill B. Lonnie.

MOSS: Yes.

LEIN: Jeff.

WRISTON: Yes.

BARCA: Yes. That was Ron.

LEIN: You were? What are you now?

BARCA: It was, it was, I may still be.

LEIN: Carey.

SMITH: Yes.

LEIN: Dick.

DELEISSEGUES: No.

LEIN: Jada.

RUPLEY: Yes.

LEIN: Yes. Okay. Now do you want to talk any more on width? Okay. Let's move on then. I think we'll have some because I have some concerns about width too, so down the road.

MOSS: On what, about in-fill?

LEIN: On B.

WRISTON: Oh, you do. Then we do need to talk about it.

SMITH: We're going to have to talk about it sometime.

WRISTON: Talk about it. What do you propose?

LEIN: Well, I do have a concern about being able to get vehicles down there. I think that in spite of the fact that we've heard some testimony that some of the agencies are going with smaller emergency vehicles, we'll still have the need to send a full truck because

those people have to respond, be able to get from there to a fire and that's why they send them. I understand that, you know, now we've got the issue if it's three lots or less, they can still put in a 12-foot wide, what we were just talking about here, but as we start getting to larger I guess I'm a little bit more concerned with that aspect of being able to provide the service there. I think maybe the record doesn't show it, but Dick brought some photographs tonight showing emergency vehicles in a variety of, you know, I think Ron has them, and it sort of shows the fact that you can't get two vehicles down a lane like that.

RUPLEY: Pass them around.

LEIN: Yeah, we'll pass them around.

RUPLEY: Yeah, Vanna, would you just like a -- I mean Ron.

WRISTON: Well, you voted for In-fill B so you must have something in mind between 12 and 20 or not?

LEIN: Well, it's deceiving on the 16. I'm not sure which shows which. This one shows like they might just be able to pass, where this one shows that it isn't going to work at all. So I think I would push at least on the 16 aspect. In some cases I'd like to see 20 subject to approval if it's a strange configuration in order to get the street back there because I think that's the main issue is is the access from the road back into. If there's a lot of these parcels that probably have an easement or they have just the easement for access so that they can access their property, and if they develop that, I think that we may need to look at some of these strange configurations in order to get a street back there for them.

MOSS: Vaughn, I'm confused here because other than width the only different, there is no difference between In-fill A and In-fill B other than the width.

LEIN: Yeah, I know. So I'm saying that, you know, I'd probably go to about a 16 instead of a 12, that gives some provision that you can pull off to the side of the road and allow another vehicle by.

BARCA: 16 on a 20-foot easement?

LEIN: Yeah.

MOSS: How do you want to handle that, Vaughn?

LEIN: No, I have no problem moving this on and as we vote, you know, I'd just express my concern that I don't think 12 feet is adequate but I wouldn't mandate the 20 feet for it.

SMITH: Well, should we suggest 16 and see if everybody can buy off on that rather than leave it kind of open?

LEIN: Well, if there's support for it at all.

SMITH: I would.

RUPLEY: I could do it.

WRISTON: Do you want to start on this end of the table?

LEIN: Sure, why don't we start with you.

WRISTON: No.

LEIN: No, okay. Ron.

BARCA: I'm happy with 12.

LEIN: Lonnie.

MOSS: I am too.

LEIN: Okay. Carey.

SMITH: 16.

LEIN: Dick.

DELEISSEGUES: 20.

LEIN: Johnnie.

RUPLEY: Johnnie.

LEIN: Johnnie. Jada.

RUPLEY: Well, Johnnie thinks 16.

LEIN: So we've got three, three and one on 16. So just something else to take on to the Board.

WRISTON: Anyone else want to pull something out of there?

RUPLEY: I think the road's too long.

WRISTON: I would like to point out Dave Lynam's comment, and I'm sure that the fire

community and Dick and everyone will get him to retract that, but, you know, it's written so.

DELEISSEGUES: I know it's written but he does absolutely --

WRISTON: Well, I know. I mean I'm sure he'll come out and say he made a mistake. I guarantee it.

DELEISSEGUES: He doesn't represent the fire community, I'll tell you that, Jeff.

WRISTON: I don't think he did make a mistake.

DELEISSEGUES: Not what he's written there, I think he made a mistake.

WRISTON: For the record, I don't, you know, the bell has rung in my mind.

BARCA: Elise has something.

SCOLNICK: Yeah, we need to get some clarification, sorry.

LEE: I was going to say, yeah, I think if that is, the Board will know that there was three different viewpoints and lots of discussion on the In-fill B Road Standards.

RUPLEY: Well, they have that coming to them sometime soon.

LEE: To get back on track here, there's at least an In-fill A, we need the clarification regarding the lot units that apply, Page 2 of 5 down towards the bottom of the staff report.

CORLISS: Right now there's a parenthetical statement it says (8) dwelling units and then brackets [OR 8 lots and a maximum of 12 dwelling units] apparently that was some conversation last time.

LEIN: Page 5?

CORLISS: At the bottom of -- oh, I'm sorry, he's referring to the page.

LEE: On the staff report. For the staff report tonight.

CORLISS: Yeah, tonight's staff report.

WRISTON: What about in the old one because we all took notes at the last hearing.

SCOLNICK: Page 3-7 and the discussion had centered around whether dwelling units, the way that the chart is in our road standards it refers to maximum number of houses, you know, if we have -- we then changed that to use lots, but you have to recognize that

on those lots we may have duplexes which then increases the number of units. So I think the question is do we specify maximum number of units as well as the lots?

WRISTON: Yeah, I personally thought we just decided to go four lots and not to worry about --

MOSS: Go lots. We got into a discussion not only on duplexes but accessory dwelling units, so, you know, where do we --

CORLISS: Like In-fill B is four lots and no need to specify, and six dwelling units, and then for In-fill A it's eight lots; is that correct?

BARCA: Yeah.

CORLISS: And that's everybody else's recollection?

WRISTON: I mean it could be but I mean for the accessory dwelling or duplexes, I guess.

SCOLNICK: Yeah, it could be attached single-family.

LEE: Also on the road modification table In-fill B I think there is still some discussion about in the row that's maximum number of houses, the maximum length of, you know, we've had numbers 120 and 150 thrown out, both.

WRISTON: Well, I think we heard --

BARCA: We threw out 150?

WRISTON: Well, I think it was 150 --

LEE: It was brought up last week and I don't think it was resolved where we wanted to land on it.

WRISTON: Well, the 120 was based on what the 150 is and the 150 seems to be the more --

LEE: And 150 I think was backed up by the standard.

WRISTON: Right. And Lynam used it in his, his deal and --

SMITH: 120 was the hose length.

RUPLEY: Right.

WRISTON: Well, I think, yeah, that's what we thought anyway.

BARCA: No matter how erroneous.

DELEISSEGUES: It's got nothing to do with fire suppression, it's got everything to do with ambulances, you know, that's the problem, and 150 feet and 120 it doesn't make any difference. The other thing in Lynam's letter that concerns me is he says we simply won't have the resources to enforce no parking.

MOSS: Well, he doesn't have the authority either.

DELEISSEGUES: Now if he can't enforce the no parking why is he concerned about the narrow road. You know, it doesn't, there's something that doesn't add up in his letter and I think the Board of County Commissioners ought to ask and make certain that it's clear that this is what he means. He's supporting a minimum 20-foot road even though the access road was less than 150 feet, it doesn't make any sense.

SCOLNICK: The 150 feet comes from the need for a turnaround at the end of the road, I believe, and so that's where that number comes from. So if it's over 150 feet, then you got to provide a turnaround.

BARCA: I'd be happy just to keep the 120.

WRISTON: Yeah, I would. If it confuses the issue, I don't know.

MOSS: I don't know.

LEIN: Does that create too much inconsistency when the fire standards say 150?

MOSS: It seems to me that it does.

LEE: I would think consistency would be preferable myself.

LEIN: I would too.

WRISTON: Keep it at 120?

LEE: No, 150.

WRISTON: That's fine, 150.

LEIN: Is that agreeable to everybody, 150?

WRISTON: Well, no, it is. I mean Dick's not going to agree because, yeah, it goes against -- well, I just want to make sure that's on the record.

BARCA: You wanted to go on record to say Dick's opinion?

WRISTON: Well, I'm being fair.

DELEISSEGUES: Well, Ron, if you can't get an ambulance within 150 feet of your house, how are you going to get the gurney back and forth, how are you going to get the emergency equipment back and forth, I don't know what you're thinking of when you think that we're going to have a fire truck out there and run a hose line 150 feet, there's no problem with that, and that's not what the problem is.

BARCA: I've had a full fire engine out on my property and I don't have a full 12-foot road.

DELEISSEGUES: Was somebody parked on it?

BARCA: No, I didn't.

DELEISSEGUES: Fine, then they can get to it. If you can guarantee that nobody will ever park on one of these roads, there's no problem.

SMITH: Death penalty.

WRISTON: It does kind of bother you when it's just, when it's an enforcement issue and not a logical issue or, you know, but --

MOSS: Although in fairness, you know, what we didn't understand last time is I guess the enforcement here would be up to Code Enforcement if anybody -- it couldn't be up to the County Sheriff because these are private roads and they can't enforce them.

WRISTON: Yeah, that was pointed out.

MOSS: Right. So moving right along, Vaughn.

LEIN: Yes, let's keep going.

CORLISS: I think unless I'm mistaken there are no outstanding issues remaining in Chapter 3 or does anybody else have any other things before we move on? I mean there are some other comments, but my take on those was we either covered them already in the other conversations, regards sight distance and the modification and all of that gets taken care of by the earlier conversation, the change to 3-18 and the reference to the StormCeptor stuff was just very minor to add the word "that." Was there anything else that was out there on Chapter 3 for anybody in terms of these --

WRISTON: No, except to reiterate because this is the last hearing and I'm not sure how, which hearing will be, presumably all will be watched or listened to or read or whatever, to

reiterate that Chapter 3 I think the entire Planning Commission felt that those incentives were very, very critical incentives and very, very important and in good faith knocked out some of the ones that we thought would put the County out-of-pocket and left in concurrency and expedited procedure and reduced development fees and gave some solutions for reduced development fees in terms of doing some maybe the expedited review, if it was a lesser review or something like that, could justify the reduced development fees. So again, it wasn't out-of-pocket, that's why we chose those, but we felt those were very critical and I just want the Commissioners to know that because I know they're going to struggle with those, and in some of our views I don't think this ordinance will work without some of those incentives so.

CORLISS: We talked very briefly about the changes that came out of the 21st into Chapter 2, and that includes the 25 percent and in Criterion 4, and everybody concurs that we have that correct as far as the way that the recommendation came down. And again, that was a 4/3 split on that. There were no changes to 2-7, and the conversation stopped at 2-9.

LEIN: I think we were on Tier 1 in-fill.

WRISTON: So we're back to where we stopped.

LEIN: It's only taken us three hours to get here.

CORLISS: This first section is parcels of area averaging. And remember that for Tier 1 you can do averaging, these are not the overall lot sizes that are allowed, they are averages, so if one gets smaller, that's made up by the other lot or lots. Are there any comments or suggested changes? And I'm on page, I'm sorry to keep jumping around like this, we're on Page 2-9 of the pink ordinance.

LEIN: I think we heard testimony that some people thought we should make those larger parcels last week.

CORLISS: For the averages?

LEIN: Yeah.

MOSS: Has some of this language changed? Because isn't this the absolute minimum size that a parcel can be in this table?

CORLISS: Right, but that's the minimum size it can be in an average. So if you're in R-5 and you have -- the smallest lot you could have in your averaging would be a 4,000-square foot. If you had 4,000-square foot, the other lot would have to be 6.

MOSS: Right.

CORLISS: Right. So the net is still -- in this case under a Tier 1 the net or the average lot size still has to make the zone, but this is the smallest you could have one of your lots be. Or several of your lots be.

MOSS: Yeah, I don't think that this has a big effect on the neighborhood in that this doesn't increase the density, all it does is just enable, you know, fit the lots in there in better configurations. If someone --

LEIN: It came from Dale Robins. His concern was from the neighborhood perspective he was concerned that they would go in and be in 10,000-square foot lots and all of a sudden they're going to see that, the detached 4,000-square foot lots.

MOSS: But they would only see maybe one of those.

LEIN: Or eight.

MOSS: Well, they couldn't, though, here --

LEIN: Yeah, average.

MOSS: -- because this is the smallest, the average has still got to be what's required by the zone, this is just the smallest end. The very smallest lot could be 4,000 in a 5,000-square foot zone, but the rest of them would have to be bigger to make up for that. So you couldn't get any more in there so the density isn't really increasing.

LEIN: It's just the mixture.

MOSS: Right, yeah. Which is important on some of these really irregular shaped lots.

CORLISS: Or to fit around a cul-de-sac you'll often find that the lots that are at the turnaround at the end of a cul-de-sac --

MOSS: Have to be bigger.

CORLISS: -- because of the flare have to be larger, right.

MOSS: Or you'll find that it takes a big lot to take in the existing home and maybe you can compensate for that a little bit by putting in some smaller lots to average it out.

LEIN: Yeah, I was just indicating where it came from and it was from the neighborhood.

MOSS: Yeah. And I can understand, I just did want to point out that the neighborhood isn't going to see any increased density as a result of this, the same number of homes would go in there.

CORLISS: Are there any other questions or concerns or are there any suggested changes to that table? It does say that you can average the minimum and maximum parcel area which ends up mattering. Of course you can't average the minimum without also averaging the maximum and I wanted to be clear about that as well. We don't say the maximum here, but obviously you have to have flexibility at the top end or you won't be able to compensate for the smaller lots.

Minimum parcel width and depth, basically the minimum width and depth standards at the base zone don't apply to in-fill lots. And as I recall from watching the tape I believe it was Keith had an example where he used parcel averaging and minimum parcel width and depth, those two incentives, to take a project from what appeared to be relatively not profitable or successful as an in-fill project to one that was profitable just, I believe, using those two incentives, so as he pointed out that can be very helpful in fitting lots around a development, flexible, odd lot sizes, they go hand-in-hand. Are there any comments about that?

Top of Page 2-11, setbacks, we had proposed standard minimum front yard setback of 18 for the garage or carport structure and 10 feet for all other structures, and minimum side yards, of course, for a single-attached dwelling the interior side yard has to be able to be zero and all other uses just have the standard side setbacks is the recommendation for whatever their base zone standards are.

BARCA: And isn't that five feet now?

CORLISS: I think it varies from five to eight maybe, I'd have to double-check.

SCOLNICK: Well, it's five feet and what we had for attached townhouse, I'm sorry, attached townhouses we have ten-foot backyard but that's in Tier 2.

MOSS: Just a --

CORLISS: Right, there's no change in this case to the backyard setback, so bear in mind that the way this ordinance works only those standards that are changed from the base zone are changed. So if we don't mention it -- for example rear yard setback would not differ from the base zone and it's not mentioned here so it defaults to the standard.

MOSS: Well, I would make a suggestion here if the intent is to provide 18 feet in front of the garage doors, we probably ought to do that separately because the way that we've got this right now, you know, access to the garage could be from the rear yard but we would say that essentially the rear of the garage which is at the front of the lot would now have to be 18 feet back from the front lot line. I don't think that's the intent. On the other hand, if access is from the side wouldn't we want at least 18 feet there too.

CORLISS: Oh, I see what you're saying.

MOSS: 18 feet in front of a garage --

CORLISS: Right, in front of a garage, but obviously not from the rear or the side of the garage, yes. So if everybody agrees with the intent, we can fix the language. I don't want to try and rewrite it here, but does everybody agree with the intent?

RUPLEY: Why?

CORLISS: I'll let Rich do that. So that would then -- what we would do in that situation is modify it so that wherever the front of the garage is taking access, be it front, side, or rear yard, there's 18 feet in front of the garage door, basically enough room to park your car or wash a car or whatever, and if that, it's only off of the front face of the entryway of the garage, okay.

LOWRY: But wouldn't you just put for carport structures access through the front yard?

SCOLNICK: What we're trying to do is not have the garage more prominent in the front.

LOWRY: No, if you just put, if you put after carport structure or other vehicle shelter access through the front yard, you're addressing Lonnie's concern.

MOSS: Yeah, my only concern here is if you had this -- I mean you do have the front, I guess this gets to be a question, does a corner lot have two front yards, two fronts, so a street and side yard?

SCOLNICK: Yeah.

MOSS: When they're talking about a street and side yard, okay, if access is from the street side yard would you not also want 18 feet there so?

CORLISS: Right. So that modifies the side setback standard, we have to change side setback or minimum side yard standard as well as minimum front yard standard. But I think we understand where you're going with it and I think it's a logical change so.

MOSS: Got any more changes?

WRISTON: Where, in the ordinance?

MOSS: No, in this chapter?

WRISTON: No, not on that page.

CORLISS: There's a standard in here that just Item d is ineligibility to use density transfer and basically the, if you're -- it's to avoid kind of double-loading, if you're going to be using the density transfer provision that you also are not using the in-fill. The concern being

that since you were already able to increase the density so close together would exceed the density of the comp plan, I think. I'm sorry, would exceed the density of the comprehensive plan, I believe. Are there any questions about that? Additional --

MOSS: I'm wondering, we've kind of basically been through all of these in discussion at one time or another, in the interest of time would it be better to just go page-by-page and see if anybody has any issues on any of these?

DELEISSEGUES: Yeah, I don't think we have any. I don't remember any issues on these, do you?

MOSS: No.

SCOLNICK: There is one issue you might want to consider on Page 2-13 where we talk about the single-family attached development where we have the review for an in-fill development plan, there's just a redundant section in section, in Sub (3), we state that there's, you know, these materials are required to be submitted at the time of review, and then in (7) we also require, make that same requirement because it cites the existing site plan review section, but all we're asking for are the same elements to be submitted.

WRISTON: So just delete (7)?

SCOLNICK: So I would -- well, I would delete (3) so we just reference the existing code and then --

RUPLEY: And so they're all the same?

SCOLNICK: Right.

RUPLEY: So you see that as a duplication then?

SCOLNICK: Right.

RUPLEY: Fine with me.

CORLISS: So that takes us to Page 2-15.

SCOLNICK: Now you did make some changes based on your comments last time, we did add the four units, and then in Sub iv we talked about the alley access and receiving primary vehicle access from the rear alley. We also had some staff recommended language and if you look in the "commentary" Lines 13 through 18 staff has recommended the following language be added to the alley width issue. And the reason we did this is because existing alley standards are 20-feet wide, which is bigger than in In-fill B, so what we're suggesting is that existing or new alleys on site that meet at a minimum the standards of the In-fill B Private Roadway, may use the design and

construction standards in that, in the road standards for In-fill B. All other alleys must meet the design and construction standards of In-fill A regardless of the number of units as long as a primary access road also serves the development site. So if there's a secondary alley, that no matter how many units, and right now you realize that on In-fill A we have the limit of eight, if it's a secondary access if we use the standards in In-fill A and In-fill B, if it's an existing or new alley, it can meet the -- you can use In-fill B to provide alley access. It's getting late, I'm sorry.

DELEISSEGUES: It seems like it would make more sense the other way around, you know, use In-fill B for the alley if it was a secondary access, and if it was a primary use A.

SCOLNICK: But what we're doing if you can use In-fill B --

LEE: The conflict is between the definition or the standard of what an alley is, which is the standard that you should like is 20 feet, Dick.

SCOLNICK: Right. It's larger than --

LEE: As opposed to this long discussion we've had about trying to provide an incentive of perhaps a smaller cross-section, a smaller road standard for an alley and so we defer to the In-fill B to try and capture that.

SCOLNICK: Yeah, that's what we're saying. If it is longer than 150 feet, though, then we go to the In-fill A, which is the wider, but the --

MOSS: Where do we defer to In-fill B? Where's the language?

SCOLNICK: It's in 3 --

LEE: It's on Page 2, is it 2-14?

RUPLEY: 2-C14 about 12 through 18. It's on 15. We all have ours highlighted, Lonnie.

BARCA: This is the first time he's seen it. You're going to have to give him a few minutes.

MOSS: I didn't read all the commentary.

LOWRY: Is this part of the ordinance?

SCOLNICK: No. What we're recommending --

LEIN: They're suggesting it might become part of the ordinance.

LEE: Yes, we wanted to make sure that you were aware of this clarification that we felt was important given your direction.

SCOLNICK: With in-fill.

WRISTON: Rich cuts to the chase, he just reads the ordinance.

DELEISSEGUES: The other question I've got is it says "existing or new alleys must meet this, all other alleys," what other alleys would there be if they weren't either existing or new?

MOSS: Those other ones.

LEIN: Yeah, all the others.

SCOLNICK: But In-fill B only applies to --

RUPLEY: How about virtual alleys?

SCOLNICK: But In-fill B only applies to the four lots, okay, so anything over the four lots would have to --

BARCA: Go to --

SCOLNICK: -- go to the In-fill A.

BARCA: Standard, the bigger road.

LEIN: So it's really still driven by lots, the number of lots.

CORLISS: And length --

SCOLNICK: And the length.

CORLISS: -- in the case of In-fill B.

DELEISSEGUES: But this one says regardless of number of lots.

SCOLNICK: And we're allowing In-fill A to serve as an alley for over the 150 feet. And it's a secondary access, it's not the -- there's still road frontage, it wouldn't be on a street.

LEIN: The question of this group is do we want to include this for clarification?

DELEISSEGUES: It's not really clear.

BARCA: No, I think, I thought staff was telling us that they needed it included to clarify.

LEIN: That's their recommendation.

BARCA: Okay, that's your recommendation.

DELEISSEGUES: Well, would you want to change that wording where it says "regardless of the number of units"?

SCOLNICK: Well, because that gets away from the eight units, it could be over eight units or eight lots I should say, if it's a secondary access, if not the primary access road that serves the development.

DELEISSEGUES: Okay.

WRISTON: Stay on course, Elise.

LEIN: Is that something agreeable for --

BARCA: Yeah.

WRISTON: Lonnie, did you read it?

DELEISSEGUES: It isn't very clear to me but if you say so.

SCOLNICK: We can work on that.

WRISTON: Did you read it?

MOSS: Well, I'm trying to think what the differences are between an In-fill A alley and an alley. I mean between an In-fill A and an alley, they're both 20 feet wide.

BARCA: If the existing alley meets the standards of A and it's serving four lots, it's cool.

WRISTON: Maybe we should make the In-fill A alley 16 feet, that way --

BARCA: I liked it better when we had --

WRISTON: We reach Vaughn's concern, a compromise.

SCOLNICK: An alley has a 26-foot wide right-of-way. An alley has a 26-foot right-of-way and then 20-foot lane width.

CORLISS: And only one lane.

SCOLNICK: And only one lane. The in-fill --

MOSS: But we don't stripe any of those so nobody knows anyway.

SCOLNICK: But the In-fill A --

MOSS: 20-foot wide pavement.

SCOLNICK: The In-fill A Roadway is only a 25-foot right-of-way and two lanes at 10 feet each.

MOSS: The only significant difference is one foot of easement.

SCOLNICK: Of right-of-way, yeah. But it's a significant difference when you're using the In-fill B.

MOSS: Correct. I don't have any problem with it. I still have somewhat of a problem with the alley having to be the primary means of access. I'm just not sure that that's going to work out in most cases. While I understand what the intent was there, yet we have no assurance at all that this alley is going to provide good access to the part of the lot that's undeveloped. Anyway, I'll, you know, I made that pitch last time.

BARCA: So noted.

LEIN: Thank you, Lonnie.

MOSS: Yeah, you're welcome.

WRISTON: We can have Rich draft some.

LEIN: Do you want to take a break? Any time is a good time.

WRISTON: We're almost done.

DELEISSEGUES: We don't have too much more.

LEIN: Let's go, we're almost done, I think.

BARCA: No.

MOSS: No.

BARCA: No.

DELEISSEGUES: We're not almost done?

CORLISS: We're on Page 2-17.

LEIN: Anything on 17?

BARCA: Well, this brings up the issue that I sent out an E-mail to everybody about the aspect of what are we really getting in the way of incentives here. Do we really have enough of an incentive to make this Tier 2 worth doing at all. As I went back and I looked the two tiers over and made the comparison, I'm not really sure that going through the extra effort that we're asking the developer for is something that they're going to buy into for this bonus of an extra lot or however that turns out. It is also the only time in which the neighborhoods are genuinely drawn into the discussion, and if we've made it where the incentives aren't great enough for the developers to bite on this, then basically what we've done is we've crafted an ordinance that we claim we want to have neighborhood involvement in but not given them a genuine opportunity to be involved in. So I'm wondering whether this is -- well, first of all, I'd like, I guess, some discussion about does everybody else believe that these incentives are valuable enough that the developers will go that extra effort, and if so, maybe my fears are not founded, but otherwise what I see is we've crafted an ordinance that we're going to basically tell the neighborhoods they've got an opportunity for involvement but, oh, by the way, nobody's going to use that trigger.

WRISTON: Do you want to --

BARCA: Now do you want to take a break?

LEIN: Let's take a break.

(Pause in proceedings.)

LEIN: Let's reconvene the hearing, start talking a little bit more about Ron's concern with the neighborhood meeting requirement for the Tier 2 in-fill standards. Ron, did we cut you off in your discussion?

BARCA: No, I ended where I felt I needed to.

LEIN: Comments from other Commissioners or from staff?

WRISTON: I pointed out after the record, or after, yeah, I guess after the record turned off or whatever you want to call it, that there is in this ordinance proposed more participation in the neighborhood both in Tier 1 and Tier 2 in the pre-application process, which is a change, just it may not address Ron's concerns, but there is more participation, up front participation so. As far as incentives I'm not sure that, you know --

RUPLEY: What would be the difference between participation in the pre-application and

the neighborhood meeting essentially?

MOSS: Well, certainly the pre-application conference is, has generally been something that's a discussion between the developer, the applicant and staff. I guess if what we're envisioning here is something closer to what the City of Vancouver has, the neighbors are welcome to come to that, they have an opportunity to ask questions and make comments. And I think that's all for the good, but I think it's not quite the same as what I envision as the meeting that might occur in the neighborhood itself between the developer and the staff and/or County staff if they're able to be there, and I think that's a, you know, that's an entirely different focused meeting, that is between the neighbors and the developer, not between the developer and the staff.

RUPLEY: And did I remember that there was some concern from the staff perspective about having the neighbors comment at the pre-app, Elise?

SCOLNICK: There was some concern because the length of time is very limited and at that point you've a very preliminary plan, we're trying to give as much information to the developer to meet the standards, and there was just some concern about our ability to convey that adequately in the time given for pre-apps and whether having community input at that time would take away from being able to fully get all the information to the developer and --

LEIN: Pre-apps are typically an hour, aren't they?

SCOLNICK: Right, they're about an hour. And in that hour there are many staff people that need to give input from Engineering and the Health District and Planning, and there could be other, Transportation, WSDOT.

LEIN: Transportation, Water Quality.

RUPLEY: Are the City of Vancouver pre-applications longer?

MOSS: No. No, but I have to say as a general rule that that staff is, how do I want to say this, the staff is much better prepared and organized in the City of Vancouver pre-apps, and that's that they come with a draft staff report all written so it's very easy to get to the essentials of things and get the meeting over in a timely manner even if you do have input from folks in the neighborhood. So you know, it's there isn't quite as much education going on at their pre-apps as there is with the County ones so there could, you know, it could take more up front effort on the part of staff to make this work within an hour. Or maybe it just takes a longer time for a pre-app for one of these in-fill projects.

LEIN: I don't know. I don't think we've ever seen a community person sit in on a pre-app in the city of Vancouver.

MOSS: Yeah, I have.

LEIN: Have you?

SCOLNICK: Also the pre-apps are held during the day when most people are at work and can't necessarily attend, whereas the neighborhood meeting could be held at a convenient time when the neighbors could attend.

RUPLEY: But that's not a requirement?

SCOLNICK: That's not a requirement. But we are also looking if this is adopted, this neighborhood meeting is adopted, writing some guidelines and that would certainly be something we would look to put in the guidelines for conducting those meetings so that would be codified.

DELEISSEGUES: Can we talk about the value of the meeting, thinking that the neighbors would probably be more concerned about what was going to be built on the property and probably the developer would not know that because he's going to turn around and sell the lot to a builder and kind of a problem there with being able to explain that to the neighbors.

SCOLNICK: That's not always the case, number one, and, number two, that the neighbors -- the task force was very clear in that the trade-off for not having any design standards was they wanted the information that something is going to happen next to them and where those lots sit next to them was very important so, you know, that's where they compromised on the task force to come up with this neighborhood meeting so that the information would be there for them and not -- they wouldn't be surprised and they would have some chance maybe to at least talk to the developer to express their concerns. It's not all about the house design, a lot of it is where those lots are located and how they interface with the existing neighborhood.

LEIN: And I think that's the intent of the in-fill development plan too is that that would be shared with the neighborhood, the developer would be crazy not to at that particular time.

SCOLNICK: But the in-fill development plan is only for attached single-family housing, it is not for detached single-family housing or duplexes.

CORLISS: Right. And the in-fill development plan, if that attached single-family housing occurred as Tier 1, which it can, would not necessarily result in a neighborhood meeting.

MOSS: If we, to get back to Ron's question directly, I think there's a substantial incentive for developers in many situations to want to go to the trouble to develop the in-fill, to hold the neighborhood meeting just because of the additional density. If, for example, we compare the number of lots that you might get on a two and a half acre development in an R1-6 standard development with no density increase, you could get probably about 14 maximum number. If you go to the 4500-square foot minimum lot size rather than

6,000-square foot, you could get 19. Now this is on the bigger end of the in-fill development, but you're talking about five additional lots potentially, you know. Now the value of those lots is going to be less than 6,000-square foot lots, but it's not going to be -- there's still going to be a financial incentive to do that.

Now everybody isn't going to want to do this, but I guess I'm in favor of offering those two options still and see if folks want to go for that. I think, you know, my belief is that we're in kind of a trial and error mode right now, and if we throw two potential pathways out there for in-fill developers to follow, we may find one successful and the other one is not so successful and, you know, I don't want to throw one away at this point.

SCOLNICK: I think part of the discussion at the task force was that this would probably help alleviate some of the appeals that (inaudible) and then hence the time delay in developing the parcels.

RUPLEY: I'm inclined to put the neighborhood meeting into 1 also just for the point of discussion in having that go on anyway, which I know --

MOSS: Into Tier 1?

BARCA: As well.

MOSS: If you did that why would anyone do Tier 1?

BARCA: Well, that would be a benefit to the County's overall goal of trying to increase the density and get the in-fill done.

MOSS: Oh, excuse me, excuse me, okay.

RUPLEY: Why would -- Lonnie, go back and say that again.

MOSS: Okay. In Tier 1 there's no density.

RUPLEY: Right.

MOSS: Okay. You're saying there's no density bonus, what I'm asking is why would anybody do a Tier 1 if the only substantial difference between the two right now, the two substantial differences are one requires a neighborhood meeting, the other one does not; one gets additional density, the other does not. If you require a neighborhood meeting and the one that doesn't get any additional density, nobody's going to do that one.

CORLISS: Well, I think if you combine it, I mean I think that if --

MOSS: I mean if we only had one, if we're only proposing to do one --

LOWRY: Just one comment, there is some consideration being given too to looking at, and I think you've been made aware of this, looking at extending the neighborhood meeting requirement generically and of course so if that happens, then this discussion is kind of academic.

MOSS: Yes, it would be.

LOWRY: So, I mean, the issue of where the neighborhood meeting ought to occur I think from the Board's perspective is is even a more general discussion in terms of whether it ought to apply to all Type 2s and 3s.

MOSS: Okay.

DELEISSEGUES: If that's the case why would there be a Tier 1 and a Tier 2?

MOSS: Well, that was my point. If we're going to require this neighborhood meeting then we can --

DELEISSEGUES: Eliminate one of them.

MOSS: -- we can go with the --

RUPLEY: I find it amazing that someone would give up a density bonus just over a neighborhood meeting.

MOSS: Well, I do too, but I'm sure that there are some people --

RUPLEY: But there will be some that will do that.

MOSS: We got some testimony from some developers that are very concerned about that neighborhood meeting and they're apparently more comfortable just going for the density allowed in the zone rather than going to that, so, yeah.

RUPLEY: So then let me just recap for my own need for communication. In Tier 1 they can go to the pre-application and comment, which is different than what can happen now, so there's still that opportunity for input. And then in Tier 2, to get the density bonus the neighborhood meeting has to be there.

SCOLNICK: Right.

CORLISS: The other big incentive, it gets forgotten sometimes but I think it's an important one, is that there's quite a big jump in lot coverage with Tier 2 and if you're doing townhomes that can be a critical incentive because it may be very difficult to do townhomes with the underlying base zone lot coverage.

SMITH: Is there any, just out of curiosity, are there regulations as to where these meetings should be and when? Can it be at 3:00 in the morning in Amboy?

SCOLNICK: Actually, no, that's not in the code, but as we made a recommendation in our first staff report that we would write guidelines for these meetings that would not necessarily be codified.

SMITH: Okay, good.

WRISTON: Would you review the guidelines, please.

SCOLNICK: Certainly.

WRISTON: So it's, you know, not in meeting halls that you have to pay for.

LEIN: I think Ken Hadley was the one that was most concerned with that.

LOWRY: Your house.

WRISTON: Yeah. I mean if you want, you should be able to do that.

LEIN: Ken was concerned about who's going to pay for it, what if you have to lease some public facility.

WRISTON: Well, you shouldn't have. I mean, you know, you can hold it outside in a yard, you know, and roast hot dogs or something.

CORLISS: I think you would want to make sure that it was ADA compatible and that everybody felt welcome to attend. You would need to, you would want to make sure that it was ADA compatible if you were holding a public meeting there and that it was at -- so everybody felt welcome to attend.

RUPLEY: And homemade cookies.

WRISTON: And shall provide cookies.

MOSS: Well, that may be an important consideration but that does put a little different light on this because most homes are not ADA compatible.

LOWRY: I would think that the smart developers would ask the neighborhood to make those arrangements, that we'll come at your time and at your location.

RUPLEY: And your place.

WRISTON: We ought to make that an option if the developer throws that out that the developer's not stuck with that. That's a good suggestion, that ought to be a way to go.

RUPLEY: And I think it's very important that you address your whole neighborhood and if you do meet ADA accessible facilities that that's important to be there, you couldn't exclude people.

LEIN: But you'll still get those who say I didn't get the notice.

RUPLEY: I'm not as concerned about that.

DELEISSEGUES: What was the decision on the notice? We talked about 500 feet and 300 feet.

SCOLNICK: Well, in the neighborhood meeting --

RUPLEY: The dog ate it.

SCOLNICK: -- in the neighborhood meeting it is 500 feet, for the pre-apps it remains 300 feet to be consistent with our procedural requirements in 18.600 so -- and that was a point of discussion with the task force.

WRISTON: Why can't the neighborhood meeting just be with notice to those surrounding neighbors and offer, like Rich was saying, to the neighborhood association or whatever that, you know, we will show up at your regularly scheduled or something. I mean not every neighborhood has an association.

SCOLNICK: Right, not every neighborhood. And some only meet quarterly, which would preclude, you know, a developer from moving ahead with their project.

RUPLEY: Well, and when I just said what I said before, I also don't want to preclude a normal existing if it's in people's houses. So I don't want to make them have to move somewhere else. And didn't we talk about you could have 500 feet and still only have seven or eight people?

MOSS: Well, yeah, it's just hard to predict.

DELEISSEGUES: Is there a prohibition of somebody that's outside the 500-foot distance attending? I mean if a neighbor talks to somebody else and they --

RUPLEY: They have to have their notice in hand or their invite in hand.

DELEISSEGUES: Yeah. Well, you could get quite a crew in that case. If I were going to have it in my home, I'd certainly want to know how many people were going to be there and I might decide to rent out the hall.

SCOLNICK: Well, we might have an RSVP in the guidelines, you know, that suggest people have an RSVP. I mean that's an option, but I think the people will have a sense of --

RUPLEY: You'll do fine.

CORLISS: I mean this is typically going to come up when somebody's made a financial decision that it's worth it economically to have that additional density bonus, that the additional lot is they're going to be making additional money on that so the added expense, I mean not that it, that it's not to be considered, but I mean they're making it, you know, like they would weigh that I'm sure in the financial decision whether they would be happy with a Tier 1 or whether it's more economical to go with a Tier 2 because they're going to be getting an additional lot or two or three lots and the money and, you know, they'll weigh that in the cost of the meeting if it's what it's going to take to have that.

MOSS: If we're going to have blanket coverage of development with neighborhood meetings, I suppose that's something that will come through the Planning Commission?

LOWRY: Absolutely. And we're going to invite all the neighborhoods.

BARCA: So why don't we get out in front of that now and include it in both Tier 1 and Tier 2 here and then see how it flies, then we'll have a better direction afterwards.

MOSS: Because if you do, then you have no more Tier 1.

SMITH: You're one tier.

MOSS: Tier 1 just goes away.

BARCA: Because you're saying that the option won't be picked up?

MOSS: No, I'm saying under Tier 2 you can do everything that you can do under Tier 1 so there is no need for Tier 1.

LOWRY: But you don't have to come in and apply for the maximum density that Tier 2 would, but, yeah, you're right, the ordinance would be simpler if we wouldn't have two tiers.

MOSS: Yeah, it wouldn't.

BARCA: Then I don't think I'm necessarily opposed on that because that meets the County's idea of trying to in-fill --

MOSS: But it does make kind of a leap back to where we were before though, and that's

all in-fill development now is eligible for density bonus.

CORLISS: But it always was because there was no size criteria, it was only whether they chose to have the neighborhood meeting or not.

SCOLNICK: The number of units they got.

CORLISS: Right. But I mean perhaps I misunderstood your comment.

MOSS: I'm saying we'd be back to where we were with the previous in-fill ordinance, and that's that all in-fill developments qualified for density bonus, that's where we'd be here.

CORLISS: Right.

MOSS: We're just adding neighborhood meeting to it.

CORLISS: Right. Although that is -- I mean right now all in-fill could qualify, there's no special qualifying standard to be Tier 2, the only difference is in what you do to get that extra density bonus to get that.

MOSS: That's as it is right now?

CORLISS: Yeah.

BARCA: But there are other things that have changed in here. It sounds as if you're saying this is just the same old ordinance.

MOSS: No, there are -- no, there are things that that would change --

WRISTON: Actually I was getting close to talking about that, but I was going to wait until we get to the end, but we're kind of coming full circle, though, it sounds if I had to put a likelihood on things. Do you want me to, I'll go through it, I listed, I was sitting here listening, I'll go through it. I was listing things because of what we talked about during the break about this more accountability with road standards and, you know, I was hearing staff kind of say, well, you know, and, Rich, this language they put forward to us that we all liked they maybe don't like. If I had to look through a crystal ball, I would say that the more accountability with road standards, which is the stuff that we put forward, I'm going to put an unlikely on that. It seems like everything we throw forward that is out of the box it's difficult for the County to give up its total subjective control with no consequences, with no standards or anything, you know, we're not willing to embrace this ordinance.

But let me go through this real quick. Chapter 3 incentives, unlikely, right. I mean that we narrowed it down to expedited review, fees and concurrency. I think I heard unlikely. More accountability with road standards, probably unlikely. In-fill Roadway B, probably unlikely.

DELEISSEGUES: For good reason.

WRISTON: Maybe for good reason. That brings us down to averaging where we're not really increasing the density, and I can't remember, was that in the original ordinance?

MOSS: No.

WRISTON: But it's averaging and, you know, it brings us down to averaging lot width and depth standards, duplex and attached.

MOSS: But averaging was only allowed under Tier 1 and now we're saying we're going to throw out Tier 1. Or at least --

WRISTON: Right. No, that's what I'm saying. But averaging, you know, not increasing dense, lot width and depth standards, duplex and attached, and then we've got this Tier 2 thing which if you throw it out, it was in the original ordinance, that you could get the density bonus anyway. I'm not sure what else we've done, not to say what we've been doing here for the past hundred hours or whatever, but that there's this -- and then there's the definition of what is in-fill and what isn't in-fill and that's to me not an incentive, that's just kind of increasing the pool of developability out there.

And I'm not pooh-poohing what we've done, but unless you guys can find some major other incentives -- I'm saying this to the County Commissioners, put this checklist together, you throw out these, you know, Chapter 3 incentives, you throw out this, you know, accountability with road standards and some of these things that we're saying are very critical to us and you're down to, you know, we're right back to square one. And we've added some, you know, the neighbors can come in to the pre-app conference and the developers can have an additional cost and hassle of a meeting, get ready for the argument of expanding the urban growth boundaries. And I was going to save all that for the end but, you know, we kind of -- unless you -- I mean someone can argue with me, but that's what I, where I see it.

I kind of got disappointed when I'm hearing, I thought like that language on the accountability with road standards was thrown out as something that staff might support and all, but I, you know, I think they had some discomfort with it and so I don't think that it's going to be supported. And so then, you know, gees, do I show up at the Board of County Commissioners hearing and argue for it, well, I don't know. I still haven't gotten my first \$25 check, I think my company deposited it so, you know.

DELEISSEGUES: Now you know why.

WRISTON: Yeah, exactly. I don't know. So that's where I'm at.

DELEISSEGUES: So where are we, Mr. Chair?

LEIN: Other concerns with respect to Ron's comments here?

WRISTON: Well, that is because it is a concern.

BARCA: So let me try and paraphrase this just so I have an idea of what you just said was that your way of saying that you consider Tier 1 an exclusive incentive on its own merit and level and the idea of having it segregated from Tier 2 was a genuine value to the developer?

WRISTON: I didn't think that Tier 1 or Tier 2 made a huge difference. All I'm saying is -- the only reason why I said that at the time that I did is we talked about -- Lonnie kind of threw out this thing that we're kind of going back to, it almost seemed like we were going to the original ordinance and where we were at square one, and all I'm saying is if some of the recommendations -- and the only reason why I was going to save it to the end I just -- is to send a message to the Commissioners if some of our recommendations don't move forward, we are right back to where we began.

MOSS: We are.

WRISTON: And I just -- it probably was bad timing on my part but --

RUPLEY: Where you would really probably planned to do that was when you voted, those kinds of comments that you made while you voted?

WRISTON: Right. But Lonnie threw that out and, really, if we do combine, there is kind of a -- I like the Tier 1 and Tier 2, it does give the developer incentive to have the neighborhood meeting, to incur perhaps maybe the extra cost and hassle and maybe to get something out of it. If you just put the Tier 1 and Tier 2 together it is kind of like the other ordinance, the other ordinance did have that density bonus in there.

MOSS: Yeah, I would make another point too, and that's that we're dealing with people, real people, out here, not just in the neighborhoods but in the development community, and we've heard some people in the development community express some real concern about these neighborhood meetings, they're not uncomfortable with that. Those of us who are here on this Planning Commission, you know, are generally pretty comfortable with dealing with the public and can't quite imagine why anybody would have that many gas pains about conducting a little neighborhood meeting. Well, folks, I mean they're not all of the same makeup that we are and they don't all have the same life experiences as we do.

And many of us are real comfortable with this kind of thing, and personally I am, I'm not bothered by the prospect of doing these neighborhood meetings at all, but I heard from some developers here who are very concerned about that. And that's not because they're proposing something bad, it's just that they -- this is not the way that they normally

do business. If we're really trying to make these in-fill developments work, we got to take some of those, you know, real world factors into account. We don't want to discourage these people that otherwise might do some in-fill developments just because we're throwing this obstacle of a neighborhood meeting in their path. Now that's why I like the Tier 1 and the Tier 2 approach and say, okay, we'll give you some incentive to do this, you know, maybe that will help you overcome your resistance to this but I am --

BARCA: So you consider --

MOSS: -- you know, I am very concerned that in the end here we're getting right back to where we started, which was where we were a year plus ago when the in-fill ordinance was scrapped by the Commissioners, a moratorium was declared because it wasn't working, you know, for whom I'm not sure.

LEIN: But, Lonnie, would you admit, you know, like what Jeff is saying, it's primarily because if the Board does not support our recommendations they've got --

MOSS: That's exactly what I'm concerned about. We need to do some thinking out of the box, we need to do some things that are different than we did before. You know, the definition of insanity is, you know, is doing the same thing over and over again and expecting different results. You know, we've got to do something different if we're going to make in-fill work. And we have made this point before but I think that the County has a particular obligation to make in-fill work now that we're including it in the vacant buildable lands inventory. And as Jeff said the alternative to that is expand the urban growth boundary and once again I'll say I'm ambivalent about that. I'm not necessarily an in-fill advocate, but if you want it to work there's got to be some incentives and some different thinking than we've had in the past to make it work so.

DELEISSEGUES: On this in-fill 1, Tier 1, are the neighbors noticed in that one?

MOSS: You bet.

DELEISSEGUES: So what's the recourse? If they want to find out more about it and there's no neighborhood meeting, then where do they go to then?

WRISTON: The pre-app.

RUPLEY: The pre-app.

MOSS: They go to the pre-app.

WRISTON: And they can talk and --

MOSS: And they can even ask for a hearing.

DELEISSEGUES: And that's held during the working day when -- is it always? Is there an option to hold it in the evening?

MOSS: Pre-apps are always on a Thursday. Pre-apps are always on Thursday and during the working day.

RUPLEY: And I guess if I were a neighbor and I were concerned about what was going to go in my neighborhood, I'd find a way to be there.

DELEISSEGUES: Take the day off.

RUPLEY: Yeah. So I guess I feel like the input because I was asking that kind of question.

DELEISSEGUES: So then is it usual that the neighbors do attend these pre-app meetings?

SCOLNICK: Not usually, no.

MOSS: No, because they don't have an opportunity to speak at them now.

SCOLNICK: They also have the option of contacting staff or contacting the developer directly.

DELEISSEGUES: Would they under this proposal have an opportunity to speak or not?

SCOLNICK: Yes.

MOSS: Yes. And ask questions at the pre-app, right.

DELEISSEGUES: Well, that makes sense.

RUPLEY: I just was -- that's why I was asking those questions, I was afraid that in Tier 1 there was no way for any kind of conversation to happen, and so, okay.

MOSS: No, somebody asked before, you know, what's the real difference here and I, you know, I don't want to leave any misconceptions about this, there is a real difference between neighborhood participation at the pre-app and neighborhood participation at one of these meetings that we're envisioning, because even though the City of Vancouver has been allowing attendance before, and I mentioned that, you know, we'd had neighbors come, I mean never more than two or three.

LEIN: Yeah, we've had some in other jurisdictions and sometimes you get five. We've had times where nobody shows up.

WRISTON: Usually it's neighborhood leaders, though, or whatever that are there that disseminates the information to the people.

LEIN: Other discussion on this? Ron, go ahead.

BARCA: In the interest of moving this along, this was a good discussion that I wanted to have on this. I think that what I'm hearing from Lonnie at least is that he genuinely considers having Tier 1 in there an incentive through not having to act on the developer's behalf knowing that one of the goals is to get neighborhood buy in to the in-fill developments. I guess we're going to have to either allow the pre-application invitations to run their course for a period of time and see whether that genuinely meets the level of interest at the neighborhood level, or if we find out through a backlash that it isn't happening during that period of time and the neighborhoods are not feeling as if they're getting their notification, we may have to come back and revisit this.

I think from my standpoint for the County's goal to try and utilize the underdeveloped lands that have been already counted in the comp plan, even if all of the in-fill property that did develop developed under Tier 2, that wouldn't be contrary to any of the goals and it wouldn't necessarily turn this ordinance into the old ordinance, but I don't want us to think that this is a stumbling block. I think what I put out on the table was exclusively so we could have this discussion and I'm ready to move on.

LEIN: Okay. Anything else on Page 17 then?

SCOLNICK: I just want to note that we did add in the neighborhood meeting that minutes should be supplied along with, that's on Line 23, 24, with the other information that's required to be submitted at the time of application.

BARCA: And who takes the minutes?

SCOLNICK: Well, that again would be in the guidelines. It could be the developer, it could be a recorder from the neighborhood, it doesn't really matter as long as there was some documentation.

LEIN: It's going to be the developer.

WRISTON: It's got to be the developer. And again I just think we need to have a chance to review and comment on the guidelines. I mean it's just too hard to know until we see these guidelines.

LOWRY: Well, but you have to remember the guidelines are going to be nothing more than that.

WRISTON: Okay. Well, if that's the case then I'd still like to see them. But --

LOWRY: And in reference to minutes here, a developer could hand in a document that said he met with the neighborhood for 30 minutes and 15 people showed up and they talked the development through, that's it, that's enough.

WRISTON: Yeah. And if the guidelines --

MOSS: And maybe minutes is not the right terminology, maybe we're just talking about documentation.

LOWRY: Well, this says "minutes," I'm saying without a more definitive definition in the ordinance itself submitting that kind of a document we'd have to accept as the minutes. Now the developer who was attempting to get a good relationship with the neighborhood presumably would do more.

MOSS: I guess I'm wondering what the purpose of the -- to me the purpose of the neighborhood meeting is to get an exchange going between the neighborhood and the developer. That being the case, I'm wondering what is the function of the minutes? Do they go to staff, and if so, for what purpose? You know, I guess the more I think about this I want there to be some documentation that a meeting was held, how many people showed up, and et cetera, to demonstrate that this requirement has been, but I guess as far as minutes I don't see much point in keeping those given my interpretation of what the intent of this neighborhood meeting is, which is an exchange between the developer and the neighborhood.

LEIN: Well, the guidelines, you know, can say just a brief listing of the people who were there and the topics of discussion, you know.

MOSS: Yeah, you know, I think it's necessary to demonstrate that this requirement of this in-fill or this Tier 2 has been met, but that's probably sufficient then.

SCOLNICK: We could call it a meeting summary.

RUPLEY: Yeah, I was thinking a meeting summary and then if you listed the things that you wanted on your form that that's how they would fill it out.

WRISTON: Put some action items in there too.

RUPLEY: Yeah, issues discussed. Voted.

WRISTON: Just kidding.

LEIN: Executive summary. Anything else on that page then? So should we go to 19?

BARCA: The same issue on the setbacks with the garages, that will be clarified, okay.

LEIN: Okay, that concludes it.

WRISTON: I have --

LEIN: Jeff.

WRISTON: I just have a question that I meant to ask before I actually went into my tirade. If a developer, if there are -- for purpose of example, if there were four one-acre lots in a row next to each other and a developer enters into, say a developer enters into a joint venture to develop those lots as in-fill lots would that have to be four separate applications, and if so, why, because I'm trying to, because I can, I can see that happening because there are, you know.

LOWRY: If there are, if those are historic lots --

WRISTON: Four historic one-acre lots, can you do --

MOSS: All of which qualify?

LOWRY: All of which individual qualify, he could not do an application, a combined application that took him over the two and a half acre --

MOSS: Why not?

LOWRY: -- limit. He could do two separate applications that could be processed together, I suppose.

WRISTON: Well, if you could do that, why would you not, and I'm just going to throw this out, I mean you don't need to answer this tonight, but I do think it's something you ought to look at. Why would you not?

LOWRY: It's the same thing as why you can't take two short plats and process them as one eight lot short plat.

MOSS: Well, it isn't though. We're talking about if these are subdivisions. I'll carry this to another extreme. What if two qualifying two and a half acre developments owned by two neighbors A and B those could come in as individual subdivisions, what, public interest would not be served by allowing them to come in as one subdivision?

LOWRY: Well, I think we could jointly process them, I think the only problem would be -- well, I don't know. If fees are the issue then --

MOSS: Well, it seems to me like there's a real incentive there.

WRISTON: I think fees would be the issue --

MOSS: (Inaudible).

WRISTON: -- potentially.

MOSS: And do these two in-fill developments if they both touch and qualify?

LOWRY: Well, they're going to be required to in some ways.

MOSS: Yeah, they are, that's what I'm saying.

WRISTON: Well, it's something to throw out because actually I think there would be some reduced fees in the County processes too because, you know, you could combine your roadways.

LOWRY: We don't have the provision dealing with linking developments in that fashion, maybe we should. Now if the combined was less than the maximum size for an in-fill development, they could be processed together without a problem.

MOSS: Well, I'm wondering about just a simple statement within this in-fill ordinance that says that you can combine those for processing purposes as one subdivision. Is there --

LOWRY: Again, it just -- what that hits me, frankly, is here's -- it's almost an admission that this isn't an in-fill ordinance but just another example of how what we're going to use this for is I -- to answer your question, we could do that, and if the Commissioner wants us to put in a provision saying that we can, you can jointly process multiple in-fill developments so long as they each individually qualify, that could be put in the ordinance.

MOSS: Yeah, it seems like, you know, I understand what you're saying, but the effect of this is we've already decided on the criteria for qualification of these parcels. If two adjoining parcels qualify, let them go.

LOWRY: And I guess I just -- again my belief is that the vast majority of the developable land within Clark County would qualify for in-fill development as the Commission has seen it, so we're going to end up with 30, 40 lot in-fill subdivisions coming in because people combine a bunch of two and a half acre parcels. Now that could occur anyway sequentially, it's just the blanket admission by putting that kind of language in the code that gives me some pause.

WRISTON: Well, I think they're combining, the argument would be they're combining several two and a half acre parcels that otherwise wouldn't be developable as a single subdivision. I mean you're combining backyards.

LOWRY: Oh, they would anyway.

WRISTON: Oh, I know, that's the skeptical, you know, but anyway.

MOSS: But what you're saying, though, Rich, it seems to me is then we've chosen the wrong criteria for deciding how these lots ought to be selected, because I'm thinking for an incentive, for a financial incentive which to me has no downside and that this doesn't cost the County any more to do this at all, they can process one subdivision rather than two. You know, this is one of the things I always ask my clients when they come in is do you have neighbors who also want to develop because there's an economy of scale there. You know, it doesn't take much more to do a 30-lot development than it does to do a 10-lot development.

LOWRY: I've changed my mind, I agree with you, the way you've put this ordinance together we're going to see the 30, 40 acres come in as multiple --

MOSS: 30, 40 acres?

LOWRY: 30, 40 acres of adjacent multiple two and a half acre parcels that would individually qualify for in-fill out on the fringes and we might as well say, yeah, you can come in with one huge plat, probably the biggest plats we'll process in the next decade.

MOSS: No, no, I don't think it's going to happen.

DELEISSEGUES: What happened to the development on two sides or three sides or where did we go with that, 25 percent?

LEE: 25 percent standard.

LOWRY: 25 percent. And urban development's defined to be a two and a half acre lot with one house.

WRISTON: A lot of these are just, I mean it does, believe it, it's not like something you're just pulling out a lot of, it does happen because a lot of these, or you'll go in a neighborhood and you'll have a lot of say one-acre parcels and there will be a house in front or something like that, and one neighbor will be selling and a developer will go up and they'll say, well, that would make a neat development, gee, it's a little small, you know, what about your neighbors, you know, do they want to do something. And you can kind of work your way down and the next thing you know, I was just drawing that for Ron, the next you know, you know, you kind of have a whole series of one-acre parcels say that exceed two and a half acres, you know, three one-acre parcels or something or four one-acre parcels and you're kind of developing the backyards of them or something and you -- it happens, it's, you know, the economies to scale again, the more you can get in, the better off you are. But I shouldn't have thrown it out this late at night.

DELEISSEGUES: But the objective is to eventually develop those lands, and I kind of agree with Lonnie, what's the difference between sooner rather than later.

WRISTON: Right. Exactly. I mean it wouldn't be -- of single applications it would be tough, you're paying four separate fees and four separate everything, you know, I mean it's just, you know, and --

MOSS: There are some things -- of course there's going to be some downsides to this and, Rich, you can imagine that, and that's how would you demonstrate, you know, that the character of the, that you didn't need to do frontage improvements because the character of the roads and the neighborhood, you know, didn't require it.

RUPLEY: You're going to create the neighborhood.

MOSS: Yeah, you're going to create it, right.

RUPLEY: Yeah. I mean you're going to have more than the neighborhood if you have that many.

SCOLNICK: Also changing significantly the character of the neighborhood if that type of thing happens which results in a de facto change in the comp plan designation in the zoning because you're allowing a lot more development than would be allowed otherwise.

MOSS: I don't know, are we?

WRISTON: No, you're not.

BARCA: 25 percent abutment.

WRISTON: No, you could do all, you could do all, you're not doing anything that you couldn't do individually as one. I mean you're doing, you're doing four as one instead of one as four or something like that.

SCOLNICK: But you have an increase in density.

MOSS: But you have the increase in density possibly anyway.

WRISTON: But you have that anyway.

MOSS: But the question is --

LOWRY: Yeah, Lonnie, I don't think there's anything wrong with that proposal. I think the issue really goes back to --

MOSS: Another criteria.

LOWRY: -- the issue of eligibility.

MOSS: Yes. Right.

WRISTON: Well, something to throw -- I hate to throw it out at the last, it just occurred to me, you know, sorry.

LEIN: Okay, we've gone through the entire Draft 5, I believe. Are there other issues that we have not come to conclusion on or provided some type of straw vote? Rich.

LOWRY: Yeah, real quick because I've edited the language on the road modifications for a couple of reasons and I want to make sure that you hear what I now have for example --

WRISTON: Are you going to support what you have?

LOWRY: No, I'm going to --

WRISTON: Well, you're not going to support what you have, you're just doing it to appease us and that --

LOWRY: I'm going to support what I gave you last week.

WRISTON: No, that doesn't do any good.

MOSS: Well, I don't know, Rich, if you're not going to support what you have --

SMITH: We don't want to hear it.

MOSS: -- I don't need to be appeased.

RUPLEY: Okay, appease me.

LOWRY: I got a new introduction which says notwithstanding Subsections 1(a) and 2. The reason for that is we're changing what the general criteria for approving a road modification, what those are by this language, so I'm saying forget about what it says up in 1(a) and we're changing the process by which these are considered because we're now saying that these are all going to be considered as administrative modifications. So basically I'm saying notwithstanding Subsection 2 also, and I'll support that language, Lonnie, notwithstanding Subsections 1(a) and 2, road modifications shall be treated as administrative and shall be approved in order to encourage and facilitate such developments unless, and then I have four exceptions.

First exception, partial or full frontage improvements. And I've added "partial or full" because you guys had discussions before about what if there's some road improvements in the neighborhood but not total, partial or full road improvement is necessary to achieve

consistency with existing or anticipated neighborhood road, roadways. For purposes of this subsection "neighborhood roadways" shall mean nonarterial and noncollector roadways providing access to and located within 800 feet of the in-fill development. Exception number two, compliance is necessary to avoid an unmitigatable safety hazard, or, three, frontage walkways are necessary because school bus service is not provided in the area. And exception number four, the road standard at issue is uniquely applicable to in-fill development. It occurred to me that if I didn't have that fourth one in there, then all your discussion about In-fill A and In-fill B roads would be subject to immediate modification which would have to be approved unless one of these others, so I put an exception in there to say you meant it with the in-fill standards.

WRISTON: Yeah, you picked up on that.

LOWRY: And that's the way it now reads and I think it captures the intent of the Commission.

WRISTON: So which part of that are you going to support in front of the Commissioners out of curiosity?

LOWRY: Well, I, you know, it's really -- I don't -- probably am not going to say anything unless the Board -- I mean the Board's going to listen to this, they're going to have heard everything I have to say, they're probably aren't going to want to hear anything more.

WRISTON: What about you, Pat? Well, I'm just curious. I mean, you know, we can always tune in, the Board's going to ask what you guys think and I'm just curious. What do you think?

LEE: I don't know, I haven't made up my mind.

WRISTON: Oh, you guys.

DELEISSEGUES: Good answer.

LEE: But it's a candid answer, I haven't. It's something that I see the need for incentives, the broad eligibility that's applied here gives me considerable pause.

LEIN: How long a pause would you like? Okay. How do we want to proceed? Do we feel that staff has -- do we want them to go back through and say what their understanding of all this is or do we just want to entertain a motion to move this forward as discussed?

WRISTON: I **MOVE** we move it forward as discussed.

SMITH: Amen.

LEIN: Is there a **second** to that?

MOSS: Second.

LEIN: Robert's not here so he can't take roll call.

LEE: He delegated that to me.

LEIN: Did he? Okay.

LEE: Would you like me to do that --

LEIN: Certainly.

ROLL CALL VOTE

LEE: -- Chair Lein, okay. Commissioner Moss.

MOSS: YES

LEE: Commissioner Barca.

BARCA: AYE

LEE: Commissioner Smith.

SMITH: Oh, YEAH

LEE: Commissioner Wriston.

WRISTON: YEP

LEE: Commissioner Rupley.

RUPLEY: YES

And I have comments to go with that, do I get to make them now?

LEIN: Yes.

RUPLEY: I have concern about the 12-foot roadway, I'd like to see the 16 foot on the In-fill B Roadway. And I don't want to let go of the concept to address the quality of life issues in terms of development and neighborhoods in terms of that lifetime cycle. I really think that that neighborhood for a lifetime that I talked about last time is an important concept as we look at in-fill to address the concerns of being able to have young families in affordable housing and also look at seniors to be able to stay within their neighborhoods.

And I'd like the Board of Commissioners also, because I'm concerned about the incentives and lack of consent incentives much like you heard Jeff talk about earlier, and in light of not having those in place with the ordinance, I'd like to see them look at reaching out to the community in terms of a pilot, in term of projects being developed where if they won't forgive public share on all sorts of things, that they may do some public share incentives as well as some private financing in terms of banks, things like

that, so that we can show good in-fill development and give examples of those various kinds. And that's very important, I think, in order for this to move forward. That's all.

LEE: Commissioner Deleissegues.

DELEISSEGUES: With the exceptions already noted, AYE

LEE: And Chair Lein.

LEIN: YES

LEE: The vote is 6/0 with comment.

LEIN: With comment.

LOWRY: And previous comment.

LEE: Or 7/0 with comment, 7/0.

LEIN: Well, I'd like to thank you, staff, especially for their patience throughout this long process of in-fill. I also would like to present to Jeff the next stage of being able to take the trophy home with you. You all have copies of what it says in front of you, I apologize for how poorly it copies.

SMITH: Can we frame those?

LEIN: You can frame these, you can send Pat the bill for getting it framed probably, but I think that it was very, very nice that we were one of the first recipients of this along with the Truancy Board, was that, yeah, I think that this was for this Commission as well as past Commissioners in the presentation, and I think that everybody here should be applauded for the time and commitment they make, it's a lot of dedication and I thank you. So, Jeff, you'll be allowed to take this and then you will be responsible for bringing it back sometime and sending it on to other Commissioners in two pieces.

WRISTON: Thank you.

BARCA: The same two.

LEIN: The same two that you get.

RUPLEY: Can Rich write some language on this for us?

BARCA: Yeah, without mitigation.

OLD BUSINESS

None.

NEW BUSINESS

None.

COMMENTS FROM MEMBERS OF THE PLANNING COMMISSION

DELEISSEGUES: So when's our next scheduled meeting?

LEE: It would be -- there's probably it would be a work session next week perhaps. Well, the next meeting would be the 20th of March I think it is.

BARCA: 20th or 21st?

LEE: 21st, is that a Thursday? March 21st.

LEIN: There's a scheduled work session on the 7th not yet determined, I don't know if that has been changed or not.

RUPLEY: From 5:00 to 6:00 is what the schedule says.

LEIN: And then on the 21st it's wireless communication facilities as a work session.

LEE: Did you want to use the 21st as a work session on wireless before the regular meeting? Is that what the schedule --

LEIN: Well, right now it's scheduled that the hearing tentatively scheduled that same evening.

RUPLEY: Is there --

LEE: And did you want that or would you prefer to use that date next week for a work session on wireless? We had the last task force meeting. The Commissioners appointed a task force to try and work out the differences that some of the different viewpoints regarding wireless communication regulation, and they have made some progress and so we'll be coming back with some revisions to the ordinance that you had recommended to the Board.

BARCA: Do we really need a work session?

LEE: That's my question to you, if you want to do that or not.

LOWRY: Do we really need them at all? It's already been through them.

LEIN: Is the Board sending it back to us?

LEE: In the work program that we developed we did indicate that we would take it back through the Planning Commission, yes. And I think we also have the floodplain ordinance up at that point that we did have a work session on a while back.

DELEISSEGUES: I for one won't be here on the 7th so I don't know, whatever.

SMITH: Neither will I.

LEE: So do you want to scratch that from the schedule?

SMITH: I'll be here on the 21st.

DELEISSEGUES: Is there one on the 28th?

LEIN: There's nothing on the 28th right now.

RUPLEY: So we're scratching the --

LEIN: Workshop.

LEE: The work session on the 7th. And did you want to also scratch the work session on the wireless prior to the regular meeting on the 21st?

LEIN: I would think so.

RUPLEY: If I care and wanted to know can I come in and have a meeting with staff?

LEE: Yes, you can.

LEIN: Is there any burning desire to have a workshop? Okay.

RUPLEY: It was just my first so I kind of wanted to catch up with things.

LEIN: Yeah, you're still playing catch-up. With that, meeting's adjourned. Thank you very much.

ADJOURNMENT

The hearing adjourned at 11:30 p.m.

All proceedings of tonight's hearing are filed at Clark County Community Development, Long Range Planning.

Vaughn Lein, Chairman

Date

Minutes Transcribed By:
Cindy Holley, Court Reporter
Sonja Wiser, Administrative Assistant

SW/min 02-28-2002